

EXHIBIT NO. 1

3
1-24-04

Docket Item # 3
SPECIAL USE PERMIT #2003-0103

Planning Commission Meeting
January 6, 2004

ISSUE: Consideration of a request for a special use permit to operate a moped sales establishment.

APPLICANT: Mopedland, Inc.
by Bernard R. Gratzl

LOCATION: 430 Hume Avenue (Parcel Address: 426 Hume Avenue)

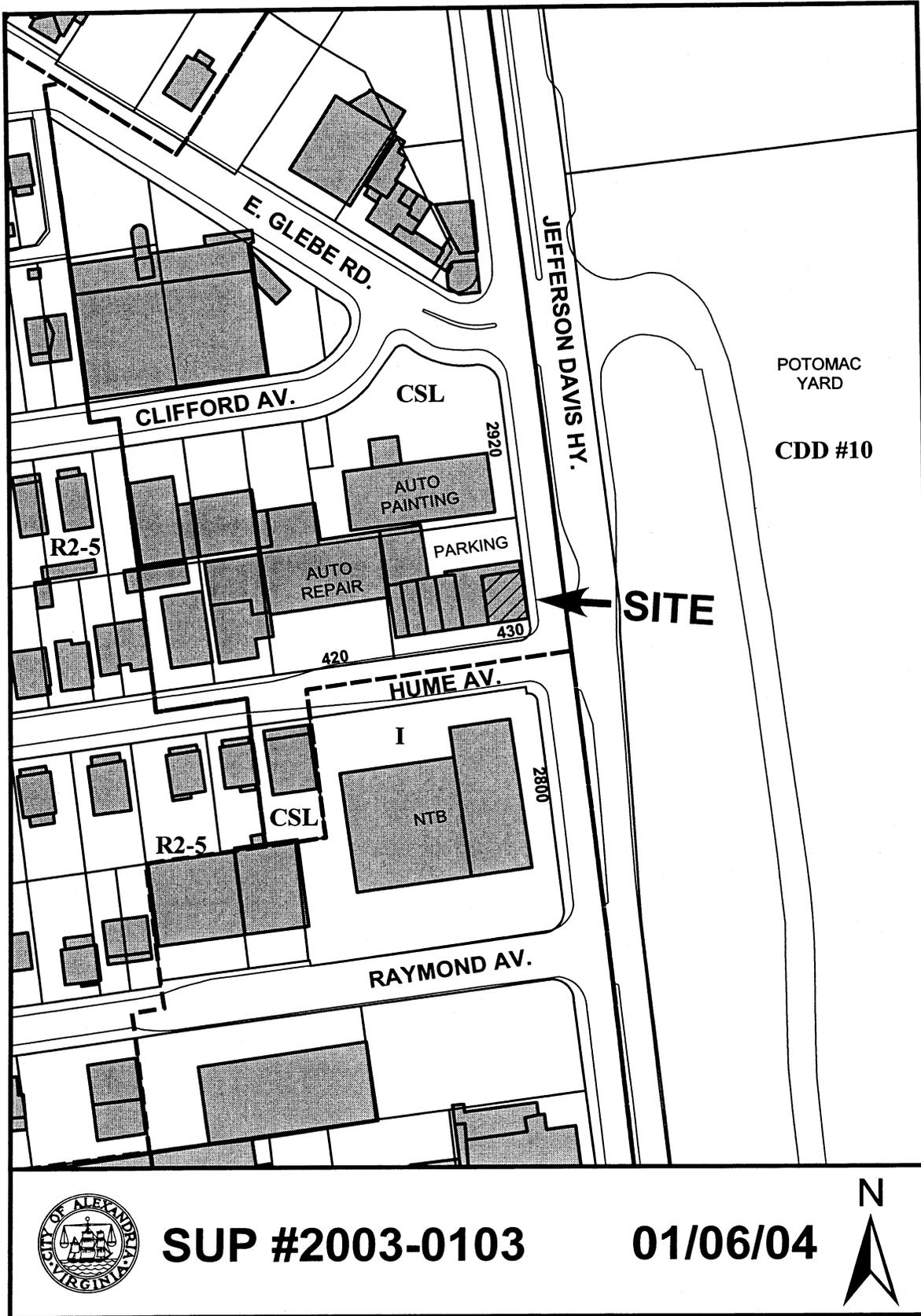
ZONE: CSL/Commercial Service Low

STAFF RECOMMENDATION: Staff recommends approval of the request to operate a moped sales business, subject to compliance with all applicable codes, ordinances and recommended permit conditions as outlined in Section III of this report.

PLANNING COMMISSION ACTION, JANUARY 6, 2004: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with staff's analysis.

Speakers: None



SUP #2003-0103

01/06/04



I. DISCUSSION

REQUEST

The applicant, Bernard R. Gratzl, requests special use permit approval to operate a moped sales business known as 'Mopedland' located at 430 Hume Avenue and for a parking reduction.

SITE DESCRIPTION

The subject property occupies one out of four tenant spaces in a building located at the northwest corner of Jefferson Davis Highway and Hume Avenue. It has a total area of 1,900 square feet, including 1,300 square feet of display area with 36 feet of frontage along Jefferson Davis Highway and 34 feet of frontage along Hume Avenue.

SURROUNDING USES

The three tenant spaces west of the subject site are occupied by a printing business, a pizza delivery restaurant and an office machine retail and service shop. The site's parking lot and a paint and body shop are located behind the building to north, and a tire retail and service facility is located to the south across Hume Avenue. The Potomac Yard is located west of the site across Jefferson Davis Highway.

PROJECT DESCRIPTION

As proposed, the moped store will sell mopeds, scooters and bicycles, which are displayed in an indoor showroom. No repair or any kind of outside display will take place. Two to three employees, including the applicant, will operate the retail business. Depending on the season, between five and ten customers are expected to patronize the business daily.

Hours of operation: The proposed retail store will be open between 9:00 A.M. and 7:00 P.M. Monday through Saturday, and between 12:00 P.M. and 3:00 P.M. on Sundays.

Noise: Potential noise emanating from the proposed use will be limited to starting up and testing of mopeds and scooters. In order to minimize potential nuisances for the neighborhood, the applicant will work with staff and residents to designate a route and time schedule for the test driving of mopeds and scooters.

Loading/Unloading: Loading and unloading of mopeds will occur once a month during business hours in a designated on-street loading space in front of the store.

Waste collection: Cardboard boxes will constitute the majority of trash generated by the moped store. The applicant states to dispose the trash into appropriate containers which are emptied on a weekly basis. Any litter or debris on the property will be removed immediately.

PARKING

Section 8-200 (A) of the Zoning Ordinance requires a retail business to provide 1.1 parking spaces for each 210 square feet of floor area. Applying this parking ratio to the proposed site, the applicant would be required to provide seven spaces. However, this site has long been grand fathered as to parking. In fact, four parking spaces are located on-site, two of which are part of Angels's car shop's parking lot, located directly to the rear of the building. The remaining two spaces are designated for the applicant's use.

HISTORY

Prior to 2001, the applicant had operated a moped repair business at the same location for many years. The business was closed because of various code violations and a carpet store occupied the space for the last two years. The current application proposes a substantially different use. Instead of moped repair the applicant will conduct a retail business only and has agreed to comply with all recommended conditions of approval, which, among other restrictions, limit the display of merchandise to the in-doors. When the applicant left the premises in 2001, it abandoned its prior noncomplying status and must now comply with the 1992 ordinance, which requires a special use permit for motorcycle rental and sales.

ZONING

The subject property is located in the CSL/Commercial service low zone. Section 4-303 of the zoning ordinance allows motor vehicle sales in the CSL/Commercial service low zone only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial service low.

II. STAFF ANALYSIS

Staff has no objection to the proposed retail use located at 430 Hume Avenue. Staff believes the applicant's assertion that the specialized nature of its business will not generate a greater parking demand than the two designated spaces that are currently available on-site.

Staff has included conditions that prohibit repairs, service operations and outdoor display, and that require two parking spaces to be maintained. Staff also included a condition requiring a review of the business after it has been operational for one year so that if there are problems with its operation, new or additional conditions may be added.

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

III. RECOMMENDED PERMIT CONDITIONS

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. The applicant shall provide at least two on-site parking spaces. (P&Z)
3. The hours of operation shall be limited to between 9:00 A.M. and 7:00 P.M. Monday through Saturday, and between 12:00 P.M. and 3:00 P.M. on Sundays. (P&Z)
4. The applicant shall post the hours of operation at the entrance to the business. (P&Z)
5. No repairs or service operations shall be performed on site. (T&ES)
6. Outdoor display of merchandise is prohibited. (P&Z)
7. The applicant shall work with staff to establish a route and time schedule for the test driving of mopeds and scooters. (P&Z)
8. The arrangement of mopeds on site and within the structure shall not obstruct or impair the movement of patrons or employees within the structure and shall not obstruct access to emergency exits. (CE) (P&Z)
9. The use and storage of flammable and combustible liquids on site shall comply with the provisions of the Virginia Statewide Fire Prevention Code and shall not constitute a hazard to the occupants or adjacent tenants. Accumulation of oil, grease, gasoline and other flammable and combustible liquids upon the ground shall be promptly removed and disposed of in an approved manner in accordance with City, State and Federal regulations. (CE) (P&Z)
10. Deliveries shall occur during the business hours on the designated on-street loading space in front of the store. (P&Z)
11. Litter on the site and on public rights-of-way and spaces adjacent to or within 50 feet of the premises shall be picked up daily. (P&Z)
12. 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 the business opening. (Police)

13. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees. (Police)
14. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements. (P&Z)
15. 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)

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.

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 No repairs or service operations shall be performed on site.
- 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.
- F-1 Although the applicant indicates that employee parking is provided in the rear parking area, on-street customer parking is very limited. However, T&ES believes this low impact operation will not make a significant demand on available on-street parking.

Code Enforcement:

- F-1 In March, 2001, the applicant operated a moped repair business at the same location. The business was closed and the property was declared unfit for human habitation due to the following conditions:
 - Excessive storage of flammable and combustible materials
 - Moderate amount of flammable and combustible liquids spilled on the floor.
 - Inaccessible exits and aisles.
 - Inoperative heating and plumbing system.
 - Electrical system in disrepair.
 - Defective interior surface conditions.
- F-2 On November 7, 2003, the applicant was found moving mopeds into the business without approval of the submitted SUP. The applicant was given notice to remove the property. All mopeds were removed within 2 hours of the notice.
- F-3 On November 10, 2003, the applicant was again found moving property into the business without SUP approval or the appropriate permits from Code Enforcement. The applicant moved in at least twelve moped, three of which contained fuel in their fuel tanks, which is a violation of the Fire Code without proper permits and safeguards in place. The applicant was issues formal notice to remove the property

by November 11, 2003. On November 11, 2003, a reinspection revealed the property was removed.

- C-1 The proposed use is a change in use group classification (M - Mercantile to B - Business); a new Certificate of Occupancy is required (USBC).
- C-2 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 118.0.
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 A fire prevention code permit is required for the proposed 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-6 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-7 This structure contains mixed use groups [M, Mercantile; B, Business] and is subject to the mixed use and occupancy requirements of USBC.
- C-8 The total quantity of gasoline permitted (in approved containers and fuel tanks) on site without an approved automatic fire suppression system shall be limited to 10 gallons total.
- C-9 The arrangement of mopeds on site and within the structure shall not obstruct or impair the movement of patrons or employees within the structure and shall not obstruct access to emergency exits.

- C-10 The use and storage of flammable and combustible liquids on site shall comply with the provisions of the Virginia Statewide Fire Prevention Code and shall not constitute a hazard to the occupants or adjacent tenants. Accumulation of oil, grease, gasoline and other flammable and combustible liquids upon the ground shall be promptly removed and disposed of in an approved manner in accordance with City, State and Federal regulations.
- C-11 Smoking on the premises shall be prohibited.
- C-12 The use of open flame devices on the premises shall be prohibited.
- C-13 Heat producing appliances (building heating systems) shall be suitable for the locations in which they are installed and shall comply with NFPA 30A and the International Mechanical Code or the International Fuel Gas Code.

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 the business opening.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.

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.

Edmund & Karen L. Didion

112 Princess Street

Alexandria, VA 22314

33% ownership

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.

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-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.

NARRATIVE DESCRIPTION

3. 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)

1. Sale of Scooters, Mopeds and Bicycles
2. These items will be sold to the general public approximately 60 customers per week. (MORE DEPENDING ON OUR POPULARITY)
3. Two to three employees
4. 9AM to 6PM Monday thru Friday (~~FRIDAY~~) SATURDAY 12-3 SUNDAY (POSSIBLY)
5. private parking is available. ~~SEE PARKING LIST.~~ UP TO 2 SPOTS ON SITE
6. No noise will be generated, except testing and starting up new mopeds.
7. ~~UPDATE, REPAIR + TUNE UP VEHICLES (SCOOTERS) MOPEDS~~ NO REPAIR

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).
- See paragraph 3
- B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).
- one or two employees. No shift work.

6. Please describe the proposed hours and days of operation of the proposed use:
- | | |
|---------------------------|-----------------------------|
| Day: Monday thru Saturday | Hours: 9AM to 6PM |
| half day Sunday | (<u>POSS 10AM TO 7PM</u>) |
| <u>SUNDAY</u> | <u>12 PM TO 3 PM</u> |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

7. Please describe any potential noise emanating from the proposed use: None
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
- None , except starting up and testing mopeds - SCOOTERS

B. How will the noise from patrons be controlled?

There will not be any noise, except when patrons are
starting and testing mopeds.

→ WE CHECK FOR PROPERLY PERFORMING MUFFLERS

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

No odors are anticipated INSIDE STORE - OUR VEHICLES

MEET EPA - DOT REQUIREMENTS

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?

Cardboard Boxes only - WE DISPOSE OUR

CARTONS - CARDBOARD IN APPROPRIATE CONTAINERS
UNDER CONTRACT

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

15 medium size boxes per month

C. How often will trash be collected?

Once every week OR WHEN NEEDED

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

We will remove any litter and debris

immediately after opening cartons and boxes

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:

~~One small canister of gasoline for scooter/moped startups~~
~~is kept on premises. 5 GALE CAN~~
GAS NO LONGER APPLICABLE - DEMO VEHICLE CAN BE REMOVED FROM STORE

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:

GENERALLY NOT APPLICABLE

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

Exit signs and Fire Extinguisher as well as step up or down signs

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.

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?

1 (ONE) BASED ON CUSTOMER FLOW " 3 ADDITIONAL SPOTS CAN BE ACCESSED

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

IN FRONT Two* Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

~~2~~ on-site parking.
* 2 SPOTS at rear entrance area.

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:

SPOT IN FRONT OF STORE WITH NO RESTRICTIONS

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:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? (OR 1 NORMAL TRUCK) AREA 3 Van loading/unloading in front of building

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

C. Where are off-street loading facilities located? IN FRONT OF STORE

D. During what hours of the day do you expect loading/unloading operations to occur?

ONLY During business hours

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

Once per Month HAS BEEN PAST PATTERN

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?

VERY
Street access to subject ~~property~~ ^{PROPERTY} is 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? _____ square feet.

18. What will the total area occupied by the proposed use be?

1300 *
1900 sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)

* ADJ. DUE TO NET SQ FT ~~OFFER~~ RETAIL SPACE BOLB 12/03/03

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: _____

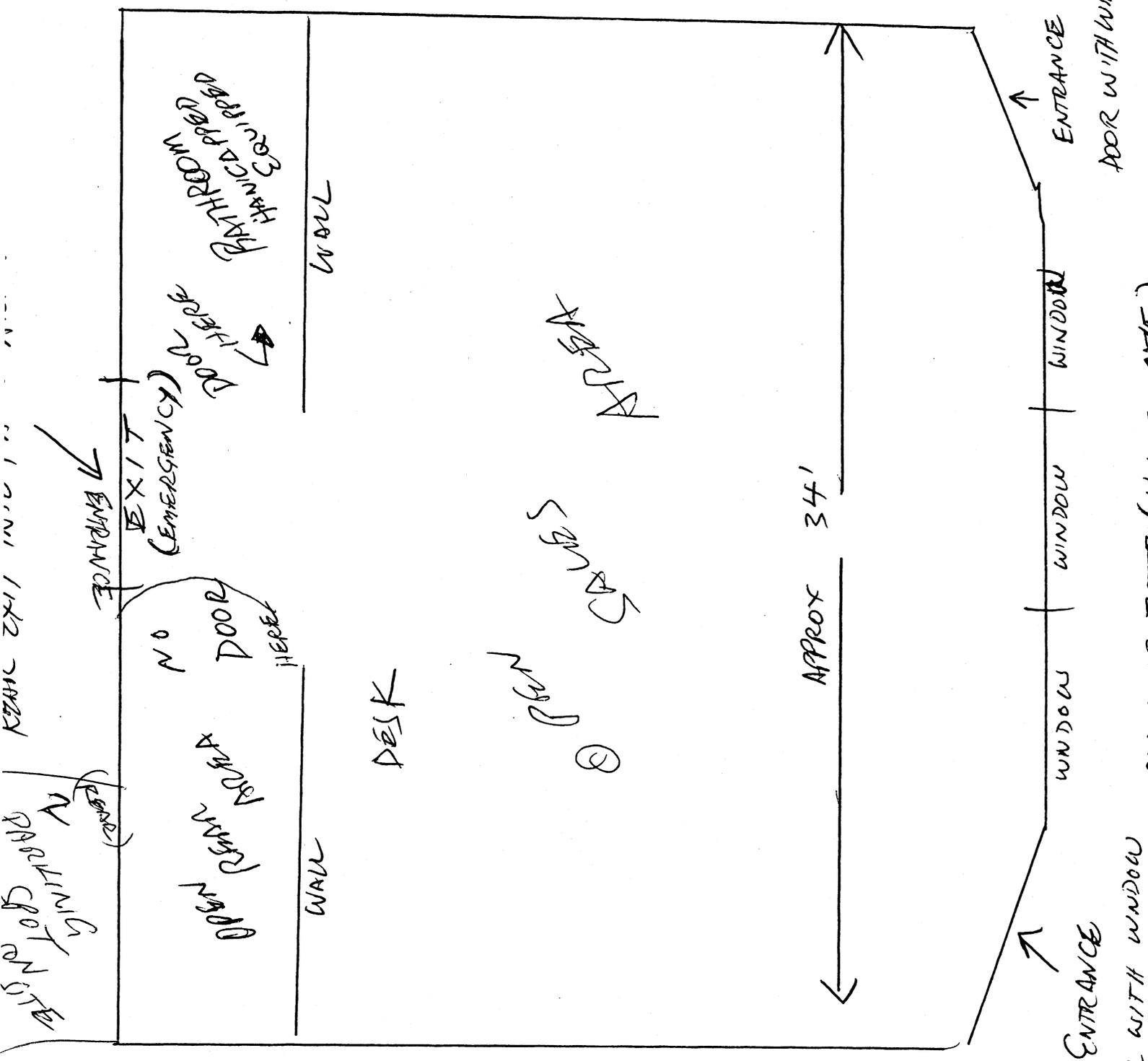
other, please describe: _____

SUP2003-0103

NORTH

SOUTH

LET'S GO TO PARKING LOT WITH CAR



APPROX 36
JEFF DAVIS NYU

Del Ray Citizens Association

PO Box 2233

ALEXANDRIA VA 22301

ESTABLISHED 1954

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

From: Amy Slack, Land Use Committee Co-Chair
Sarah Haut, Land Use Committee Co-Chair
Justin Wilson, President

Date: December 22, 2003

Subject: SUP#2003-0103, Consideration of a Special Use permit to operate an automobile sales and repair establishment at 430 Hume Avenue.
Applicant: Bernard Gratzl

The applicant met with a member of the Land Use committee to discuss the proposal prior to but did not attend our committee meeting of December 1, 2003. We consulted with Mt. Jefferson Civic Association President Maria Wasowski, who expressed support with certain conditions. We announced the item in the Association newsletter as a topic of consideration for the December general membership meeting.

The applicant has operated a retail and repair shop, Mopedland, in this block of buildings continuously for many years. He was forced to vacate the premises only due to repairs of fire related damages elsewhere in the building and remodeling. He wishes to reestablish the business with similar hours of operation as before. Staff has required him to obtain a SUP for automotive related uses and will not support his request to offer repair services. Also, staff informed us that the landlord has prohibited on-site repair services within the lease terms of conditions.

The discussion touched on several issues, namely, any past problems and the creation of a new automotive related use.

Although the on-site and street parking is limited, in the past there are no known complaints. And while there have been community complaints of vehicles test driven though the residential neighborhood, none were directly associated with Mopedland. Past violations of city ordinance were for relatively minor infractions, eg. display of merchandise in the public right-of-way.

LUC was most concerned by the requirement of a SUP. Staff has declared non-titled vehicles (mopeds) as automotive uses. We believe the designation could create future problems. It would readily allow a broadening of sales to include much larger and noisier motorcycles. Or it could serve to allow a site for expansion by adjacent auto related use.

The committee believes that the retail sales should be limited to non-titled vehicles and we support Mt. Jefferson Civic Association's request that the test-drive route should be restricted to areas non-residential in character and that no repairs be allowed on site.

The committee recommended to *support the application with the following conditions:*

- The permit is restricted to sales only of non-titled vehicles.
- No repairs are allowed on-site.
- The established test drive route is to exclude streets of residential character.

At the December meeting, the General Membership supported the committee recommendations.

We request your support for this position and welcome your questions and comments. Please feel free to contact Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060 and President Justin Wilson at 703-299 1576.