

EXHIBIT NO. 1

26
6-12-04

Docket Item #30
SPECIAL USE PERMIT #2004-0036

Planning Commission Meeting
June 1, 2004

ISSUE: Consideration of a request for a special use permit review and to change the hours of operation of an automobile dealership.

APPLICANT: Alexandria Volkswagen
by Robert Test

LOCATION: 107 West Glebe Road and 101 Leadbeater Street

ZONE: CSL/Commercial Service Low

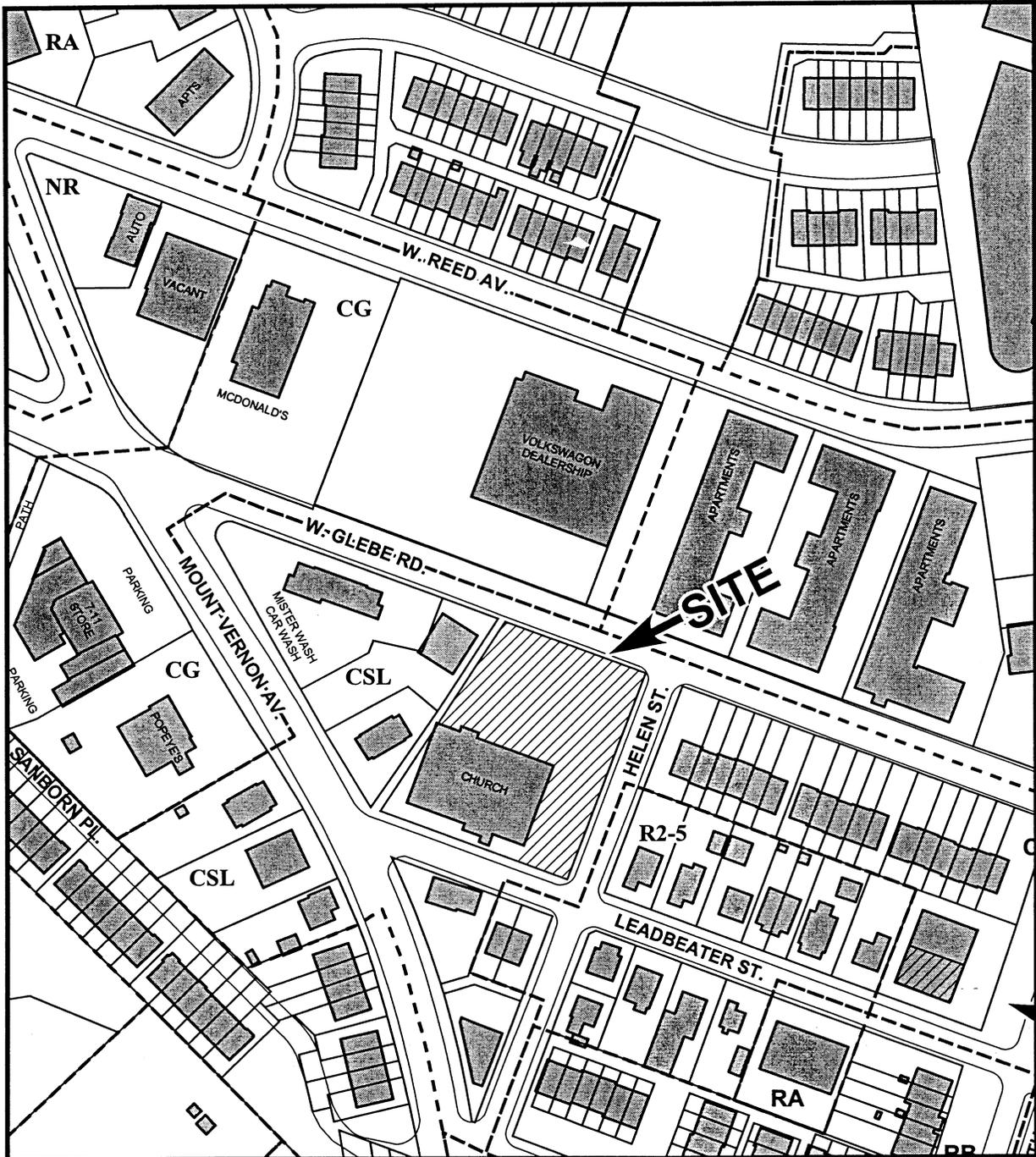
PLANNING COMMISSION ACTION, JUNE 1, 2004: On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Robert J. Test, the applicant's attorney, spoke in support of the request. Mr. Test stated that the required landscaping had not been installed initially because of difficulties negotiating with the church.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions in Section III of this report.



SUP #2004-0036

06/01/04



I. DISCUSSION

REQUEST

The applicant, Alexandria Volkswagen, by Robert J. Test, attorney, is before the Planning Commission to request special use permit approval to extend the hours of operation, and for a review of an existing automobile sales and repair business located at 107 West Glebe Road with off-site parking at 101 Leadbeater Street.

SITE DESCRIPTION

The dealership property used by the applicant has 297 feet of frontage on West Glebe Road, 253 feet of depth and a total lot area of 1.7 acres. The site is developed with a one story building and parking areas.

The property used for off-site parking by the applicant is the northern portion of the Love of Christ Church property at 101 Leadbeater Street. The lot has 206 feet of frontage on Leadbeater Street, 230 feet of frontage of Helen Street, 156 feet of frontage on West Glebe Road, and a total lot area of 41,756 square feet. The front entrance to the church is on Leadbeater Street; however, there is also an existing curb cut on Helen Street that permits access to the parking lot. The parking lot contains 67 spaces.

REVIEW AND VIOLATIONS

On November 16, 2002, the applicant's SUP was amended to allow it to store vehicles associated with the dealership on the church parking lot at 101 Leadbeater Street, with a one year review condition. In November of 2003, staff contacted the applicant to remind it of the upcoming review, and conditions of the special use permit with which it agreed to comply. On March 2, 2004, staff inspected the subject properties for compliance with the conditions of the permit and found three violations:

- Condition #1 requiring that no vehicles associated with the dealership be parked on the right-of-way. Staff observed at least one vehicle parked on Glebe Road that was identified by the applicant as a customer service loan vehicle.
- Condition #3 requiring the office to close by 8:00 p.m. and the repair shop to close by 7:00 p.m. Staff observed that the leasing office was open from 9:00 a.m. to 9:00 p.m. Monday through Friday and that the repair shop was open until 7:30 p.m. on Wednesday.
- Condition #21 requiring landscaping be installed at the church parking lot pursuant to a plan approved by staff. At the time of the inspection, staff had never received a plan, and there was no landscaping installed around the church parking lot.

Staff issued a ticket and allowed a short time for compliance. The applicant responded with an application to change the hours of operation, but did not address the specific requirements of the landscaping to the satisfaction of staff. Therefore, staff docketed the case for review.

ZONING

The existing property utilized by the applicant is located in the CG/Commercial General zone. Section 4-403(D) of the Zoning Ordinance allows an automobile sales business in the CG zone only with a special use permit. The property located at 101 Leadbeater Street is zoned CSL/Commercial Service Low. Both an automobile sales business and a motor vehicle parking and storage lot for more than 20 vehicles are allowed in the zone 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 use.

II. STAFF ANALYSIS

Although staff believes that the approval allowing VW to use the church lot has worked relatively well over the past year, staff is concerned about the violations at the site, particularly in regard to the landscaping which was neglected for an entire year. The applicant has now taken steps to correct the violations, and staff is willing to continue to work with it on compliance. Staff's analysis on each violation is as follows:

Hours:

Staff finds that the requested 9:00 p.m. weekday closing hour for the sales and leasing office is reasonable, and more consistent with other dealerships in the City, including the Hyundai dealership at 1707 Mount Vernon Avenue that is also immediately adjacent to residential uses. In regard to the 7:30 p.m. closing hour for the repair shop, the extra half hour is requested to accommodate customer vehicle pick up and does not include extending the actual hours that repair will be conducted. Staff has clarified the condition regarding the hours to reflect this change. The applicant has already been operating during these hours, and staff has not received any complaints regarding noise or other activity during the extended hour.

Cars on right-of-way:

In regard to the vehicles parked on the street, staff has not observed dealership vehicles parked on the street since the March inspection. The copy of the memo sent to employees reminding them of this condition appears to have been a successful way of ensuring that vehicles do not park on the street. Therefore, staff recommends that a similar memo be posted in a common employee area, or be distributed to employees on a regular basis, to ensure that this does not occur in the future.

Landscaping:

In regard to the landscaping, a plan was submitted on April 9, 2004, however, it was not prepared by a landscape architect, did not identify the species and size of proposed plantings, and was not to scale. Staff visited the site on April 14, and found that landscaping had already been installed despite the fact that staff had yet to approve a landscape plan. Furthermore, the landscaping is not an evergreen hedge as required, does not satisfy staff's requirement to screen the lot, and there are still weeds in and around the fencing that must be removed. The applicant has not submitted a revised landscaping plan, however, he assures staff that a plan is in the process of being produced. Staff has included a condition that an acceptable plan be submitted to staff, and that the landscaping be installed by July 1, 2004.

Staff also recommends a review in six months to ensure that the hours do not become a problem in the neighborhood, that acceptable landscaping is installed, and that the applicant is compliant with all the conditions of the special use permit.

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

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. **CONDITION AMENDED BY STAFF:** No vehicles shall be loaded, unloaded, parked or stored on public right-of-way. This prohibition includes employee, dealership and customer vehicles, whether tagged or not, under the control of the dealership. The applicant shall distribute a memo to all employees on a regular basis, or shall post information in a common employee area, reminding them of this requirement. (P&Z)
2. 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)
3. **CONDITION AMENDED BY STAFF:** The hours of operation of the sales and leasing business shall be limited from 9:00 a.m. to ~~8:00 p.m.~~ 9:00 p.m. Monday through Friday, 9:00 a.m. to 6:00 p.m. on Saturdays, and noon to 5:00 p.m. on Sundays. The hours of the automobile repair use shall be limited from 7:00 a.m. to 7:00 p.m. Monday through Friday, and from 8:00 a.m. to 4:00 p.m. on Saturdays. Customers may pick up vehicles from the repair shop until 7:30 p.m. Monday through Friday. (P&Z)

4. The applicant may park vehicles on the parking lot located behind the Love of Christ Church at 101 Leadbeater Street, provided that when church activities are scheduled to occur, the applicant shall reduce the number of vehicles parked on the lot to meet the church's demand for off-street parking, and provided further that no vehicles shall park in the lot on Sundays. Employees will be required to park on the lot located at 101 Leadbeater Street except when in conflict with the church activities. (City Council)
5. No junked, abandoned, or stripped vehicles shall be displayed, parked, or stored outside. (P&Z)
6. Condition deleted. (SUP 2002-0077)
7. No repair work shall be done outside. (P&Z)
8. No sales, repair or other dealership business shall be conducted on the church lot premises. (P&Z)
9. Loading and unloading of vehicles shall occur on-site during the hours of operation. (P&Z)
10. All vehicles on the lot shall be stored in an orderly manner. (P&Z)
11. 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)
12. 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)
13. No amplified sound shall be audible at the property line. (P&Z)
14. **CONDITION AMENDED BY STAFF:** All waste products, including but not limited to organic compounds (solvents), motor oils, and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and shall not be discharged into the sanitary or storm sewers or be discharged onto the ground. (T&ES)

15. **CONDITION AMENDED 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)
16. A minimum of two foot candles of lighting shall be maintained in the parking lot. (Police)
17. All lighting shall be directed downward and shall be screened at the sides to avoid glare on the street and on adjacent residential properties and public rights-of-way to the satisfaction of the Director of Planning and Zoning. (P&Z)
18. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (Police)
19. No material shall be disposed of by venting into the atmosphere. (T&ES)
20. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
21. **CONDITION AMENDED BY STAFF:** The applicant shall remove the weeds from the fencing and land surrounding the church parking lot, and shall provide, install and maintain landscaping on the site, pursuant to a landscape plan to include evergreen screening surrounding the parking lot to the satisfaction of the Directors of Planning and Zoning and Recreation, Parks and Cultural Activities. The applicant shall submit an acceptable plan to staff, and the landscaping shall be installed by July 1, 2004. The landscaping shall be maintained in perpetuity. (P&Z)
22. The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all special use permit provisions and requirements as part of that training. (P&Z)

23. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit ~~one year~~ six months after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review, 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)
24. The applicant shall establish a community liaison to work with nearby neighbors on issues related to the operation of the business. (City Council)
25. **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)
26. **CONDITION ADDED BY STAFF:** Car wash discharges resulting from a commercial operations shall not be indiscriminately discharged into a storm sewer system. For any 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 therein.
 - D) Commercial car wash installations shall be equipped with water recycling system approved by the building official. (T&ES)

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

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.

IV. 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 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 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 objection to the extended hours.
- F-2 Since January 1, 2003 to March 26, 2004 there have been 7 calls for people service. Non-accountable offenses 4, assaults 1, larcenies 2.

APPLICATION for SPECIAL USE PERMIT # 2004-0036

Change of Ownership or Minor Amendment (Hearing Case)

[must use black ink or type]

PROPERTY LOCATION: 107 West Glebe Road

TAX MAP REFERENCE: 15.04.03.03 ZONE: CSL

APPLICANT Name: Alexandria Volkswagen

Address: 107 West Glebe Road

PROPERTY OWNER Name: Ray Burnette

Address: 107 West Glebe Road

SITE USE: Automobile Dealer

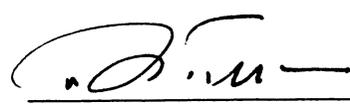
Amend Special Use Permit 2002-0077 to expand hours of automobile dealership and renew

THE UNDERSIGNED hereby applies for a Special Use Permit for **Change in Ownership**, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia. THE UNDERSIGNED, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

THE UNDERSIGNED hereby applies for a Special Use Permit for **Minor Amendment**, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief.

Robert J. Test
Print Name of Applicant or Agent


Signature

Post Office Box 20110
Mailing/Street Address

(703) 837-9070 (703) 837-9758
Telephone # Fax #

Alexandria, Virginia 22320
City and State Zip Code

3/15/04
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: 3/22/04
Legal Advertisement: [scribble]

Date & Fee Paid: 3/17/04 \$ 500.00

ADMINISTRATIVE ACTION: _____

Date

Director, Planning & Zoning

3. Describe any proposed changes to the business from what was represented to the Planning Commission and City Council during the special use permit approval process, including any proposed changes in 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, any noise emitted by the use, etc. (Attach additional sheets if necessary)

Extend the hours of operation

Condition number 3, to 9:00 p.m.

Monday to Friday, from 8:00 p.m.

All other conditions to remain the same.

4. Is the use currently open for business? Yes No

If the use is closed, provide the date closed. _____ / _____ / _____
month day year

5. Describe any proposed changes to the conditions of the special use permit:

Item number 3, hours of operation -

propose closing at 9:00 p.m. rather than 8:00 p.m.

6. Are the hours of operation proposed to change? Yes No

If yes, list the current hours and proposed hours:

Current Hours:

9:00 a.m. to 8:00 p.m./Monday - Friday

Proposed Hours:

9:00 a.m. to 9:00 p.m./Monday - Friday

7. Will the number of employees remain the same? Yes No

If no, list the current number of employees and the proposed number.

Current Number of Employees:

Proposed Number of Employees:

8. Will there be any renovations or new equipment for the business? Yes No

If yes, describe the type of renovations and/or list any new equipment proposed.

9. Are you proposing any change in the sales or service of alcoholic beverages? Yes No

If yes, describe proposed changes:

10. Is off-street parking provided for your employees? Yes ___ No
If yes, how many spaces, and where are they located?

11. Is off-street parking provided for your customers? Yes ___ No
If yes, how many spaces, and where are they located?

12. Is there a proposed increase in the number of seats or patrons served? N/A Yes ___ No
If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

Current:	Proposed:
_____	_____
_____	_____
_____	_____
_____	_____

13. Are physical changes to the structure or interior space requested? ___ Yes No
If yes, attach drawings showing existing and proposed layouts. In both cases, include the floor area devoted to uses, i.e. storage area, customer service area, and/or office spaces.

14. Is there a proposed increase in the building area devoted to the business? ___ Yes No
If yes, describe the existing amount of building area and the proposed amount of building area.

Current:	Proposed:
_____	_____
_____	_____
_____	_____

15. The applicant is the (check one) ___ Property owner Lessee

___ other, please describe: _____

16. The applicant is the (check one) Current business owner ___ Prospective business owner

___ other, please describe: _____

17. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address. For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

Please provide ownership information here:

Wes Greenway

107 West Glebe Road

Alexandria, Virginia 22305

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: _____

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

N/A

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

- _____ 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)?

N/A

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.



RT LawnCare

SLIP 2004-0036 Estimate

Number: E101

Date: March 14, 2004

Bill To:

Wes Greenway
Volkswagon
107 West Glebe Rd.
Alexandria Va. 22305

Ship To:

RT LawnCare
10301 Calvin Farm Rd.
Great Falls Va. 22066

Date	Description	Quantity	Price	Amount
	Edge and Create Mulch Beds			
	Install Plants 40-43 Evergreen Shubs	43.00	26.00	1,118.00
	Mulch Plants in - 9 yards of Mulch	9.00	20.00	180.00
	Disposal Fee	1.00	300.00	300.00
	Labor	1.00	1,000.00	1,000.00
This is an estimate, this price may vary by a value of plus or minus \$100.00				
			Total	\$2,598.00

SUP 2004-0036



Wes Greenway's

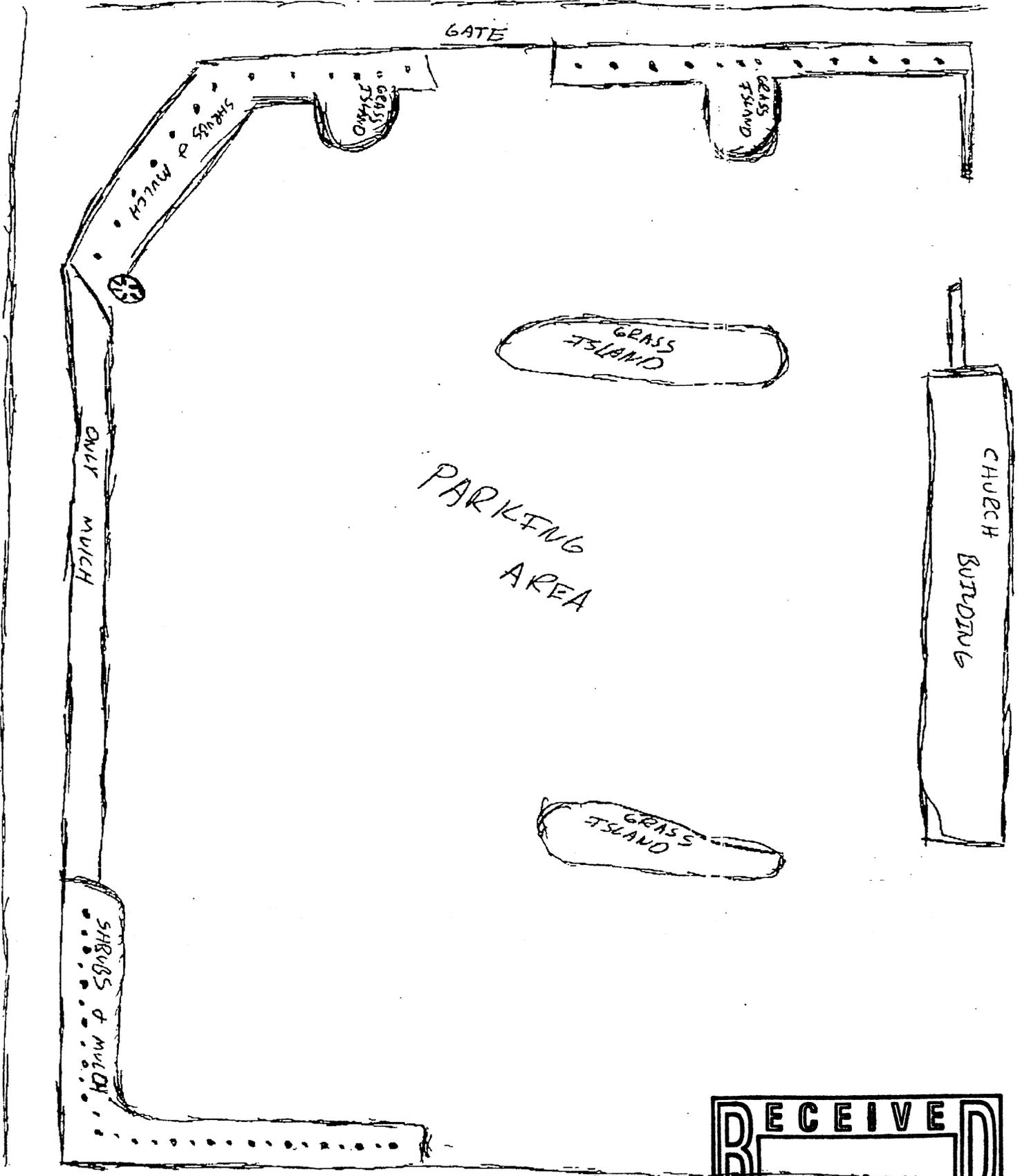
Volkswagen In. Out. Enjoy Life

Memo

To: ALL EMPLOYEES
From: WES GREENWAY, CHRIS ALVAREZ
CC:
Date: March 10, 2004
Re: DEALER CARS ON PUBLIC STREET

**PARKING DEALER CARS ON
PUBLIC STREET IS NOT
ALLOWED**

PLEASE MAKE SURE ALL DEALER AND
CUSTOMER CARS ARE EITHER PARKED ON
LOT OR INSIDE CHURCH LOT. NO CUSTOMER
CARS OR DEALER CARS ARE ALLOWED ON
PUBLIC STREET. PLEASE MAKE SURE YOU
COMPLY WITH THIS IMMEDIATELY



RECEIVED
 APR 9 2004
 PLANNING & ZONING



DEPARTMENT OF PLANNING AND ZONING

301 King Street, Room 2100
P. O. Box 178
Alexandria, Virginia 22313

Phone (703) 838-4666
Fax (703) 838-6393

ci.alexandria.va.us

Wes Greenway
Alexandria Toyota
107 W. Glebe Road
Alexandria, VA 22305

March 4, 2004

Dear Mr. Greenway,

Attached is a warning ticket for the violations I observed while inspecting the Alexandria Volkswagon dealership at 107 W. Glebe Road on March 2, 2004. Please note Condition #s1, 3, and 21 in the attached Special Use Permit. You must correct these violations by Tuesday, March 16, 2004, or additional tickets with fees may be issued, and you may be docketed for consideration by the Planning Commission and City Council. Please call me at 703-838-3866 ext. 338 if you have any questions.

Sincerely,

Valerie Peterson
Urban Planner

Attachments: Warning Ticket
Special Use Permit #2002-0077

cc: Barbara Ross, Deputy Director
Peter Leiberger
Robert J. Test



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314
703-838-4688

NOTICE OF VIOLATION

**YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE**

Date of Violation March 2 2004 Tuesday 10:00 AM/PM
Day of Week

Location of Violation: 107 W. Glebe Rd.

Ord. Section: 11-509

Description of Violation: Violation of SUP# 2002-2017
Condition #s: 1) Vehicles parked on public
right of way; 2) Extended hours of operation;
3) Required landscaping not installed.

Penalty \$: _____
 1st fine 2nd
 3rd/MORE **WARNING**

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

NOTICE SERVED ON:

22

NAME: LAST FIRST MIDDLE

I hereby acknowledge receipt of this Notice of Violation.
Signature is not an admission of guilt.

SIGNATURE _____ DATE _____

Violator's Copy - White
City Attorney Copy - Yellow
Planning & Zoning Copy - Gold
Finance Copy - Pink

Individual/Business Responsible for Violation:

PROPERTY/BUSINESS OWNER

PROPERTY OCCUPANT

Alexandria Volkswagen
NAME
107 W. Glebe Road
ADDRESS

Alexandria VA 22305
CITY/TOWN STATE ZIP

CERTIFICATION OF ISSUING AGENT

The undersigned states that he/she is an employee of the City of Alexandria Department of Planning and Zoning, that he/she personally observed or investigated the commission of the violation noted above and/or the violation was based upon a signed affidavit or other reliable evidence, and that on the date of notice, a copy of this notice was:

Hand delivered to _____
 Mailed/posted a true copy of this notice to the last known home or business address of the respondent or the respondent's agent

Alexandria Volkswagen Cues Greenway
Name of Person or Business Served
107 W. Glebe Road
Address of Service
Alexandria VA 22305
City/State/Zip

Posted true copy of this notice at the site of the infraction
Valerie Peterson 3-4-04
Inspector's Signature ID Number Date
Print Name Valerie Peterson
Phone # _____

WARNING

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE WITHIN 15 DAYS IN ONE OF THE FOLLOWING WAYS. HOWEVER, ADDITIONAL NOTICES OF VIOLATION MAY BE ISSUED WITHIN THAT TIME PERIOD IF WARRANTED. FAILURE TO RESPOND TO THIS NOTICE WILL RESULT IN THE FILING OF A CIVIL LAWSUIT TO ENFORCE THE PENALTY IMPOSED HEREIN.

TICKET NO. 3032

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, 22314, 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 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. To file such an appeal, you must file the appropriate paperwork and pay the appropriate fee for such appeal with the Department of Planning and Zoning. The interpretation shall be final and unappealable if not appealed within 30 days.

YOU MUST COMPLETE AND SIGN THIS CERTIFICATION:

Admit violation No contest Contest in Court

Name (print) _____
Street Address _____
City _____ State _____ Zip _____
Telephone Number _____

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 _____



DEPARTMENT OF PLANNING AND ZONING

301 King Street, Room 2100

P. O. Box 178

Alexandria, Virginia 22313

ci.alexandria.va.us

Phone (703) 838-4666

Fax (703) 838-6393

Mr. Robert J. Test
P.O. Box 20110
Alexandria, VA 22320
VIA FAX: 703-837-9758

May 7, 2004

Dear Mr. Test,

On April 9, 2004, staff received a proposed landscaping plan for the church parking lot at 101 Leadbeater Street. The plan is deficient for several reasons. It is not prepared by a landscape architect. It does not identify the species and size of the proposed plantings and is not to scale, making it difficult to identify the spacing of the plantings. Condition #21 of Special Use Permit #2002-0077 states:

“The applicant shall remove the weeds from the fencing and land surrounding the church parking lot, and shall provide, install and maintain landscaping on the site, pursuant to a landscape plan to include evergreen screening surrounding the parking lot to the satisfaction of the Directors of Planning and Zoning and Recreation, Parks and Cultural Activities.”

On April 14, 2004, staff observed that some plants had been installed, without the plan having been approved by the Directors of Planning and Zoning and the Recreation, Parks and Cultural Activities. The landscaping installed is not an evergreen hedge as required and does not satisfy staff's requirement to screen the lot. Additionally, there are still weeds in and around the fencing that must also be removed as required in the condition.

You must submit a plan for review and approval which shall include evergreen shrubs sufficiently large to achieve a 42" screen within two years. There are also opportunities for planting trees at the property, which shall also be included in the plan. If we receive a satisfactory plan by Friday, May 13, we will be able to discuss it positively in the staff report.

Sincerely,

Valerie Peterson
Urban Planner

Del Ray Citizens Association

30

PO Box 2233

ALEXANDRIA VA 22301

ESTABLISHED 1954

To: 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: May 31, 2004

Subject: SUP#2004-0036, Alexandria Volkswagen at 107 W. Glebe Road & 101 Leadbeater Street. A special use permit review and request for an amendment to change the hours of operation of an automobile dealership; zoned CSL/Commercial Service Low. Applicant: Robert Test

The Land Use committee discussed the Alexandria Volkswagen SUP request at its May 20, 2004 meeting. The item had been announced in the Association newsletter and concerned citizens were contacted directly.

Staff docketed the SUP when while performing a one-year review, they uncovered several, minor violations. These being; the dealership posted hours of operation for 1 hour later than permitted on weekdays, continued to allow employee and dealership controlled vehicles to be parked on public streets, and the dealership had not installed the required landscaping at the off-site parking lot at 101 Leadbeater Street.

The applicant is requesting to extend his hours of operations and has submitted to staff, a memo, dated March 10, 2004 and addressed to his employees, stating the dealership parking policy.

In November 2002, the dealership was granted SUP2002-0077, which allowed the dealership to use a parking lot at 101 Leadbeater Street. Staff stipulated that the lot was to be used for employee and repair/service vehicle parking. Mr. Robert Test, attorney for the dealership, represented to the Land Use committee that granting the expansion would not preclude the dealership from their practice of using the public right of way as they had been doing. The dealership had been granted use of the lot previously, which was rescinded by City Council upon 90-day review.

The Land Use committee recommended denial of the request because it was an intensification of an automotive use. Historically the applicant has repeatedly failed to abide by previous SUPs and city ordinance. The parking arrangement was not binding on the dealership and it was not proved as a suitable solution for the adjoining residential neighborhood.

The Executive Board and general membership voted to oppose the expansion and requested a denial by the Planning Commission and City Council.

This current request is sought by the applicant as a means of amending his SUP to bring the SUP into compliance with his current hours of operation and activities.

In May 2004, the Land Use committee and Executive Board voted to oppose the expansion of hours and we continue to oppose the use of the lot at 101 Leadbeater Street.

If the Planning Commission or City Council should support the request, we request the following conditions:

1. A six-month review.

The applicant shall demonstrate willingness to abide by the conditions set by P&Z and will:

- Submit a landscape plan for approval to the Director of P & Z for 107 W. Glebe and 101 Leadbetter.
- Install the approved landscape plan by July 1, 2004 and provide the Director of Planning & Zoning with proof of a maintenance contract, on a yearly basis.

2. Concerning the fence surrounding 101 Leadbeater Street, pending permission from the church, the dealership shall do one or more of the following:

- Replace or repair and paint the chain link fence surrounding the lot located at 101 Leadbetter.
- Install a pedestrian gate opening onto W. Glebe Rd. to facilitate employee use of the lot.
- Remove the fence.

3. The applicant shall be required to notify by letter all residents or property managers, within 3 blocks of the dealership, of the name and contact information of the required liaison. In addition, the liaison shall maintain and have available for inspection, a list of license plate numbers of employee owned vehicles.

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.

26
6-12-04

ROBERT J. TEST
ATTORNEY AT LAW
918 PRINCE STREET
ALEXANDRIA, VA 22314
703-837-9070

FACSIMILE TRANSMITTAL SHEET

TO: Jackie Henderson FROM: Stephanie Martin

COMPANY: City Clerk DATE: June 7, 2004

FAX NUMBER: (703) 838-6433 TOTAL NO. OF PAGES INCLUDING COVER: 4

PHONE NUMBER: 838-4530 SENDER'S REFERENCE NUMBER:

RE: Alexandra Volkswagen YOUR REFERENCE NUMBER:

- URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

The information contained in this facsimile is intended for the named recipients only. It may contain privileged and confidential information and if you are not an intended recipient you must not copy, distribute or take any action in reliance on it. If you have received this facsimile in error, please notify us immediately by a collect telephone call to (1-703) 837-9070 and return the original to the sender by mail.

ROBERT J. TEST
ATTORNEY AT LAW

FAX: 703.837.9758

TEL: 703.837.9070

June 7, 2004

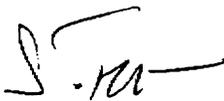
Department of Planning and Zoning
301 King Street, Room 2100
P.O. Box 178
Alexandria, VA 22313

Re: 101 Leadbeater Street property

Department of Planning and Zoning:

This letter is to notify the Department of Planning and Zoning that Alexandria Volkswagen has begun taking measures to satisfy the request of the Committee. It has removed weeds from the fencing and land surrounding the church parking lot. Also, a Landscape Architect has been contacted. Attached is a copy of the letter from the Landscape Architect as well as the initial recommendations. Currently, the Landscape Architect is in the process of creating an etched design for the Department's approval. Alexandria Volkswagen will continue to make efforts to satisfy all conditions for the Special Use Permit. If there is any other information that is needed, please feel free to contact me.

Sincerely,



Robert Test

RJT/sbm

Enclosure: Letter from landscaper and proposal for 101 Leadbeater Street

06/07/2004 15:20

7038379758
LAW OFFICES TEST/BOTZIN/HARDING → 7038386433

NO.387 003

Jun 01 04 06:22p

CHRIS ALVAREZ, ALEXANDRIA 703-684-7712

P. 2

TO: 703 68 7712

P. 2

MAY-25-2004 09:57 FROM:

RT Lawncare, LLC

May 24, 2004

Mr. Christian Alvarez
Wes Greenway Volkswagon
107 West Glebe Road
Alexandria, VA 22305

Dear Mr. Alvarez:

This is to provide details regarding the work needed for the installation of plants and the maintenance of the property located at the Church adjacent to the dealership.

Once the Landscape Architect completes the landscape design and it is submitted for review. After approval is rendered, I will then install recommended plants per design. When this work is complete there will be a bi-weekly maintenance schedule that will include the following:

Mowing of the islands inside fenced area, including outside corner section

Spraying herbicide in mulch beds, creeping weeds on fence and crack weeds in parking lot and walkways

When needed plants will be trimmed to maintain accepted height

If you have any questions, please do not hesitate to contact me.



Robert W. Tracy
Owner, RT Lawncare
(703) 759 7408
Cell (202) 368-8859

06:22p

CHRIS ALVAREZ, ALEXANDRIA 703-684-7712

1L)

14-

Page #

of

pages

Proposal

E. SLAPES
 LAND DESIGN
 7500 OLD SPRING DR.
 LORTON, VA 22079
 (703) 963-5272

Proposal Submitted To	CHRIS ALVAREZ	Job Name		Job #	
Address	ALEXANDRIA VOIKSINASEN	Job Location		Date of Plans	
	107 WEST GLEBE Rd.	Date	5/22/04	Architect	MILLER
Phone #	(703) 535-8420	Fax #	(703) 684-7712		

We hereby submit specifications and estimates for:

- INITIAL CONSULTATION
- SITE ANALYSIS AND PRELIMINARY IDEAS
- CONCEPTUAL DRAWINGS AND SKETCHES
- FINAL ARRANGEMENT
- FINAL AND FORMAL SCALE LANDSCAPE PLAN

We propose to furnish material and labor — complete in accordance with the above specifications for the sum of:

\$ 500.00

with payments to be made as follows: UPON COMPLETION

Any alteration or deviation from above specifications involving extra costs will be charged only upon written order and will require an extra charge over and above the usual fee. All payments contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Note — this proposal may be withdrawn by us if not accepted within 30 days

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Date of Acceptance _____

Signature _____

Signature _____

6/12/04

SPEAKER'S FORM

DOCKET ITEM NO. 26

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

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. NAME: ROBT. TEST
- 2. ADDRESS: 918 FENCE ST. ALEXANDRIA, VA. 2234
TELEPHONE NO. 703-833-9070 E-MAIL ADDRESS: RJTESTLAW@MSU.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 three minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided 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 legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting 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. If an item is docketed for public hearing at a regular legislative meeting, the public may speak to that item, and 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 legislative 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

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- (b) No speaker will be allowed more than three minutes.
- (c) 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.
- (d) 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 on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) 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.

APPLICATION for SPECIAL USE PERMIT #2004-0036 #26

Change of Ownership or Minor Amendment (Hearing Case)

[must use black ink or type]

PROPERTY LOCATION: 107 West Glebe Road

TAX MAP REFERENCE: 15.04.03.03 ZONE: CSL

APPLICANT Name: Alexandria Volkswagen

Address: 107 West Glebe Road

PROPERTY OWNER Name: Ray Burnette

Address: 107 West Glebe Road

SITE USE: Automobile Dealer

Amend Special Use Permit 2002-0077 to expand hours of automobile dealership and renew (KMT)

[] THE UNDERSIGNED hereby applies for a Special Use Permit for Change in Ownership, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia. THE UNDERSIGNED, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

[] THE UNDERSIGNED hereby applies for a Special Use Permit for Minor Amendment, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief.

Robert J. Test
Print Name of Applicant or Agent


Signature

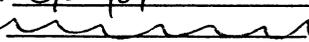
Post Office Box 20110
Mailing/Street Address

(703) 837-9070 (703) 837-9758
Telephone # Fax #

Alexandria, Virginia 22320
City and State Zip Code

3/15/04
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: 3/22/04
Legal Advertisement: 

Date & Fee Paid: 3/17/04 \$500.00

ADMINISTRATIVE ACTION: 06/01/04 RECOMMEND APPROVAL 7-0

City Council Action: 06/12/04 Approved 6-0

Date Director, Planning & Zoning