

EXHIBIT NO. 1

10
10-18-03

Docket Item #14
SPECIAL USE PERMIT #2003-0044

Planning Commission Meeting
October 7, 2003

ISSUE: Consideration of a review of a special use permit and a change of ownership for an automobile sales business.

APPLICANT: Nation Auto Group LLC, Esmatullah Ali
by Duncan Blair, attorney

LOCATION: 3020-3030 Duke Street

ZONE: CG/Commercial General

PLANNING COMMISSION ACTION, OCTOBER 7, 2003: On a motion by Mr. Komoroske, seconded by Mr. Robinson, 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:

Duncan Blair, represented the application.

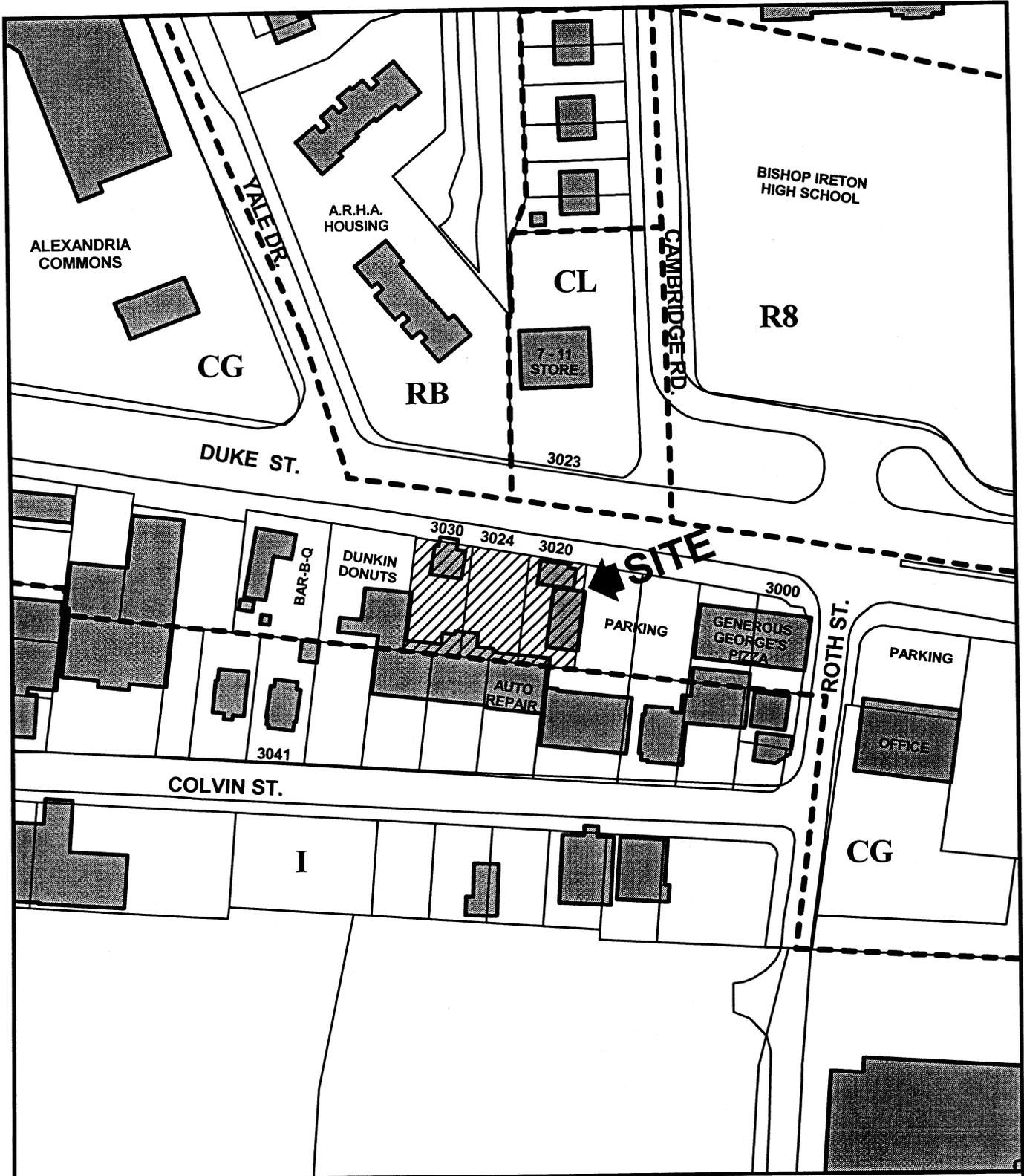
PLANNING COMMISSION ACTION, JUNE 3, 2003: By unanimous consent, the Planning Commission deferred the request.

Reason: The Planning Commission deferred the application, in order that the applicant and staff could meet with Mr. Toy, an adjacent property owner, about his concerns.

Speakers:

George E. Toy, the owner of property adjacent to the subject business, stated that the applicant had altered his property without permission and had not responded to his attempts to address the matter. Mr. Toy asked that the subject application be held until the applicant had addressed his concerns.

Duncan Blair, the applicant's attorney, requested approval of the special use permit. Mr. Blair also stated that he had not previously been aware of Mr. Toy's concerns.



SUP #2003-0044

10/07/03



STAFF RECOMMENDATION:

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

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #97-0144)
2. No automobile repair work or car washing is permitted. (P&Z) (SUP #97-0144)
3. The hours of operation shall be limited to 10:00 A.M. to 8:30 P.M. Monday through Saturday. (P&Z) (SUP #98-0136)
4. No junked, abandoned, or stripped vehicles shall be displayed, parked or stored outside. (P&Z) (SUP #2001-0113)
5. 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 #97-0144)
6. No vehicles shall be displayed, parked or stored on a public right-of-way. (P&Z) (SUP #97-0144)
7. The applicant shall work with staff on a final parking plan which includes at least eight regulation spaces to meet the parking requirement and allows the remainder of the spaces to be smaller for display vehicles. The number of display parking spaces achieved as part of that plan, which shall be to the satisfaction of the Director of Planning and Zoning, shall be the number that the applicant is permitted to display. Vehicles shall be parked in a neat, orderly arrangement. (P&Z) (SUP #2000-0151)
8. No amplified sound shall be audible at the property line. (T&ES) (SUP #97-0144)
9. The parking lot shall be paved and striped and wheel stops shall be installed if necessary, and portions of the lot that have fallen into disrepair shall be repaired and/or re-paved, all to the satisfaction of the Director of Transportation and Environmental Services. (T&ES) (SUP #97-0144)
10. The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. (T&ES) (SUP #97-0144)

11. All waste products including but not limited to organic compounds (solvents), motor oil, and antifreeze be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewer. (Health) (SUP #97-0144)
12. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for the business. (Police) (SUP #97-0144)
13. Lighting in the parking lot shall be a minimum of 2.0 foot candles minimum maintained. (Police) (SUP #97-0144)
14. Condition deleted. (P&Z) (SUP #98-0136)
15. 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. (P&Z) (SUP #97-0144)
16. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit ~~one year~~ six months after City Council approval and shall docket the matter for consideration by the Planing Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~SUP #2001-0113~~)
17. The applicant and its employees shall use only the rental or sales vehicles as their means of transportation to and from the site. (P&Z) (SUP #98-0136)
18. Condition deleted. (SUP #2000-0151)
19. 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 #98-0136)

20. This special use permit allows a reduction in the parking requirement of one space, originally granted as part of SUP#98-0136. With the use of the whole site for auto sales, and including the prior reduction in the calculation, a requirement of eight parking spaces must be provided for employees and customers. No use of the site may be added which adds to the parking requirement without further parking reduction approval. (P&Z) (SUP #2000-0151)
21. The applicant shall provide one handicap accessible parking space to the satisfaction of the Director of Code Enforcement. (P&Z) (SUP #99-0129)
22. The applicant shall provide site lighting to meet minimum city standards. (T&ES) (SUP #2000-0151)
23. The applicant shall work with Planning staff to provide additional landscaping to maximize the screening of the parking area from Duke Street and to refine the design of a monument sign. It shall install and maintain the landscaping and signage pursuant to a plan to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2000-0151)
24. The proposed signage and landscaping adjacent to the drive entrance shall be placed to maximize sight distance for vehicles entering and leaving the site. (T&ES) (SUP #2000-0151)
25. Loading and unloading of vehicles, if any, shall take place on-site and during hours of operation. (P&Z) (SUP #2000-0151)
26. **CONDITION ADDED BY STAFF: The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z)**

DISCUSSION:

1. The applicant, Nation Auto Group LLC, represented by Esmatullah Ali, is before the Planning Commission for a review of the special use permit for an automobile sales business located at 3020 - 3030 Duke Street and for a request to change the ownership.
2. The subject property is three lots of record with a combined frontage of approximately 150 feet of frontage along Duke Street and a lot area of approximately 14,297 square feet. The lots are developed with three small buildings used for the subject business and parking lot. The surrounding land uses include retail commercial along the Duke Street corridor.
3. On November 15, 1997, City Council granted SUP #97-0144 for the operation of an automobile sales and rental business. The use has since expanded, allowing more vehicles to be displayed, an expansion of the hours of operation, and a reduction of off-street parking (SUP #98-0136 and SUP #2000-0151).
4. The special use permit is under consideration because staff found several violations at the one year review because there is a request to change the ownership of the use. The current applicant, Mr. Ali has purchased the business from Gholam Reza Shaker, the previous owner.
5. The automobile sales business, as approved in January 2002 (SUP #2001-0113), occupies the full three lots known as 3020-3030 Duke Street and operates from 10:00 a.m. to 8:30 p.m. Monday through Saturday. No automobile repair work or car washing is permitted on-site.
6. The subject business is allowed to display 28 vehicles for sale outside on the surface parking lot and six vehicles for sale inside one of the on-site buildings, for a total of 34 display vehicles. It is also required to provide eight employee and customer parking spaces in the location shown on the attached plan because these are the eight regulation spaces required for the use. Four of these required eight spaces must be made available for customers. The other four spaces can hold the sale and rental vehicles that employees are required to drive to and from the site under Condition #17.
7. Several violations of the special use permit requirements have been noted at the subject site:
 - (a) A ticket for violations of Conditions #7 and #20 has been issued. The applicant had too many display vehicles on-site and therefore did not have the required number of customer parking spaces available. The Planning and Zoning staff reinspected the business on May 20, 2003, and found that the applicant had complied with Condition #20 (provided customer parking) but was still in violation of Condition #7 (too many

display vehicles on-site). Vehicles were parked in front of one of the buildings where no striped parking spaces were provided.

(b) The applicant has changed ownership without permission.

(c) Machinery, supplies, etc. indicating automobile repair were found in violation of Condition #2. The Code Enforcement staff reinspected the business on May 2, 2003, and found that the automobile repair violation had been corrected.

(d) The applicant has not had the security survey and robbery awareness program required in Condition #12.

(e) Staff cited the subject business earlier in the year, on November 23, 2002, for violating Condition #15 (signs on cars and illegal banner) of SUP #2001-0113.

STAFF ANALYSIS:

Staff supports the continued operation of the automobile sales business and of the change of ownership. Staff is concerned that there are several violations on the site, however applicant's recent actions in correcting some of the violations indicate that the business is working towards compliance. The applicant has submitted a change of ownership application, removed all automobile repair and body work by May 2, 2003, and cleared parking spaces for customer parking. The applicant still needs to make sure that the cars located on-site are parked in accordance with the staff plan (see attached). This includes the location of the cars and the number of display vehicles, and the number of employee and customer parking spaces. The applicant also needs to contact the Police Department to schedule a security survey and robbery awareness program.

Staff has included a condition requiring a review of the automobile business six months after approval to monitor the applicant's compliance with the special use permit and to additional conditions if there are any future problems with its operation. Staff supports the continued operation of the existing business and the change of ownership subject to the recommended conditions.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 T&ES staff believes the applicant is in compliance with previous department recommendations as outlined in SUP #2001-0113.

R-1 The applicant shall comply with all previous T&ES staff recommendations.

Code Enforcement:

- F-1 An inspection of the premises on 4/24/03 revealed the following code violations:
- Several large automobile engines and engine parts were found lying on the garage floor.
 - A moderate amount of spilled motor oil and used motor oil stored in unapproved containers was found in the garage.
 - Unapproved compress gas cylinder found in garage.
 - Storage of automobile maintenance supplies located in garage without approval.
 - Interior wood framing found inside garage. No building permit on file for this work.
 - Exposed electrical wiring, open junction boxes and other unapproved electrical code violations found in garage.
 - Excessive trash and debris found in garage.
 - Storage in garage in disarray.
 - Inadequate clearance around electrical service equipment in garage.
 - Automobile hood found in garage being repainted.
 - Overall conditions indicate automobile repair, auto body work, and vehicle maintenance work being conducted on the premises in violation of SUP conditions and without approved permits from Code Enforcement.
 - A followup inspection will be conducted within the next 7 days.
 - **Compliance was obtained on 5/2/2003.**

Health Department:

F-1 No comments.

SUP #2003-0044
3020-3030 Duke Street

Police Department:

F-1 To date the applicant has not had the security survey and robbery awareness program completed. To have them completed the applicant is to call the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520.

APPLICATION for SPECIAL USE PERMIT # 2003-0044

[] Change of Ownership or [] Minor Amendment

[must use black ink or type]

PROPERTY LOCATION: 3030 Duke St Alexandria VA 22314

FAX MAP REFERENCE: 64.04.01 15 16 17 ZONE: CG

APPLICANT Name: Nation Auto Group LLC

Address: 3030 Duke St Alexandria VA 22314

PROPERTY OWNER Name: Esmatullah Ali

Address: 7374 Pohick Ridge Ct Springfield VA 22153

SITE USE: Auto Sales (Exchange of ownership + review)

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.

Esmatullah Ali
Print Name of Applicant or Agent

[Signature]
Signature

7374 Pohick Ridge Ct
Mailing/Street Address

703 461 8000 703 461 9800
Telephone # Fax #

Springfield VA 22153
City and State Zip Code

5.12.03
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: _____ Date & Fee Paid: _____ \$ _____
Legal Advertisement: _____

ADMINISTRATIVE ACTION: _____

Date

Director, Planning & Zoning

The following information must be furnished to the Department of Planning and Zoning to determine if the current use conducted on the premises complies with the special use permit provisions and all other applicable codes and ordinances.

1. Please describe prior special use permit approval for the subject use.

Most recent Special Use Permit # 2001-0113

Date approved: 01 / 26 / 2002
month day year

Name of applicant on most recent special use permit Gholam Reza Shaker

Use _____

2. Describe below the nature of the existing operation in detail so that the Department of Planning and Zoning can understand the nature of the change in operation; include information regarding type of operation, number of patrons served, number of employees, parking availability, etc. (Attach additional sheets if necessary)

NO CHANGE

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)

No change

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:

6. Are the hours of operation proposed to change? Yes No
If yes, list the current hours and proposed hours:

Current Hours:

Proposed Hours:

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? 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:

<hr/>	<hr/>

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:

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

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:

Esmatullah ALI Aminullah Abbasi



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2110
Alexandria, Virginia 22314

NOTICE OF VIOLATION
YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

Date ticket served: 4.11.03 Day of Week: Fri Time AM/PM: PM

Location of Violation: 3000-3030 Duke

Ord. Section: 11-955D

Description of Violation: SUP 2001-0113, #20 conditions of #7 and display vehicles on-site

Penalty \$: No Fee
 1st 2nd
 3rd/MORE Warning
 IF THE VIOLATION IS NOT CORRECTED BY 10 Days AN ADDITIONAL MONETARY PENALTY WILL BE ASSESSED.

Inspector's Signature: Mary H. Stephens ID Number: _____

I personally observed or investigated the commission of the violation noted above and/or violation was based upon signed affidavit.
 VIOLATORS COPY - WHITE
 CITY ATTORNEY COPY - YELLOW
 FINANCE COPY - PINK
 PLANNING AND ZONING COPY - ORANGE

F-PC-0001 Applicant said number of cars was due to recent delivery and will be removed soon

NOTICE SERVED ON: SUP 2001-0113

NAME: LAST FIRST MIDDLE
 PROPERTY OWNER
 COMPANY
 Mr. NAME: Ali

POSITION: _____
 OTHER _____

ADDRESS: _____
 CITY/TOWN STATE ZIP

SIGNATURE: _____ DATE: 4.11.03

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

PERSON REFUSED TO SIGN DATE: _____

CERTIFICATE OF SERVICE

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

Name of Person or Business Served: _____

Address of Service: _____

City/State: _____

Posted true copy of this notice at the site of the infraction

The undersigned states that he/she is an employee of the City of Alexandria Department of Planning and Zoning and knows this Certificate of Service to be true to the best of his/her knowledge.

Signature: _____
 Print Name: _____
 Date: _____ Phone #: _____

WARNING
 YOU ARE REQUIRED TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 15 DAYS OF THE DATE OF SERVICE IN ONE OF THE FOLLOWING WAYS

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING: Z-03 TICKET 2866

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and:
 - (a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or
 - (b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.
- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.
- FOR INFORMATION CONCERNING THIS TICKET CALL PLANNING AND ZONING AT 703-838-4688

FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE WAS ISSUED

YOU MUST COMPLETE AND SIGN THIS CERTIFICATION:

ADMIT VIOLATION NO CONTEST CONTEST IN COURT

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

I hereby certify under penalty of law, that I have answered as indicated above, and corrected or made substantial efforts to correct the violation that I have admitted or for which I have pleaded no contest.

Signature: _____ Date: _____



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314

NOTICE OF VIOLATION

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

Date ticket served: 5/30/03 Wednesday Day of Week: 2:00 Time AM/PM

Location of Violation: 3050 Duke St

Ord. Section: 1-505

Description of Violation: VIOLATION OF
SVP CONDOMINIUM #175

WARNING GIVEN 4/11/03

Penalty \$: 50.00

1st 2nd
 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY
5/30/03 AN ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.

Inspector's Signature: [Signature] ID Number: _____

I personally observed or investigated the commission of the violation noted above and/or violation was based upon signed affidavit.

VIOLATORS COPY - WHITE
CITY ATTORNEY COPY - YELLOW
FINANCE COPY - PINK
PLANNING AND ZONING COPY - ORANGE

NOTICE SERVED ON:

NAME: LAST Ali FIRST Fewell MIDDLE _____

PROPERTY OWNER
 COMPANY Richards Auto Group NAME

OTHER Owner POSITION

ADDRESS 3050 Duke St CITY/TOWN Alexandria STATE VA ZIP 22314

SIGNATURE [Signature] DATE 5/21/03

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

PERSON REFUSED TO SIGN DATE _____

CERTIFICATE OF SERVICE

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

Name of Person or Business Served _____

Address of Service _____

City/State _____

Posted true copy of this notice at the site of the infraction

The undersigned states that he/she is an employee of the City of Alexandria Department of Planning and Zoning and knows this Certificate of Service to be true to the best of his/her knowledge.

Signature _____
Print Name _____
Date _____ Phone # _____

WARNING
YOU ARE REQUIRED TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 15 DAYS OF THE DATE OF SERVICE IN ONE OF THE FOLLOWING WAYS

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and:
(a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or
(b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.

• If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

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YOU MUST COMPLETE AND SIGN THIS CERTIFICATION:

ADMIT VIOLATION NO CONTEST CONTEST IN COURT

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

I hereby certify under penalty of law, that I have answered as indicated above, and corrected or made substantial efforts to correct the violation that I have admitted or for which I have pleaded no contest.
Signature _____ Date _____



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314

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

NOTICE OF VIOLATION

Nov. 23 2002 Friday 3:50pm
Date ticket served Day of Week Time AM/PM

Location of Violation: parking lot of
3080 Duke Street

Ord. Section: 11-505

Description of Violation: condition #15
(No banners streamers,
flags, or similar advertising
shall be displayed on the
premises) - 3 signs on cars
and illegal banner.

Penalty \$: 100.00

1st \$2nd

3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY
Nov 25 2002 ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.

Melinda S. Albers 102
Inspector's Signature ID Number

I personally observed or investigated the commission of the
violation noted above and/or violation was based upon signed
affidavit.

VIOLATORS COPY - WHITE
CITY ATTORNEY COPY - YELLOW
FINANCE COPY - PINK
PLANNING AND ZONING COPY - ORANGE

(COM 2002-0583)
NOTICE SERVED ON: SUP 2001-0113

NAME: LAST FIRST MIDDLE
 PROPERTY OWNER
 COMPANY NAME

OTHER POSITION

ADDRESS CITY/TOWN STATE ZIP

SIGNATURE DATE

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

PERSON REFUSED TO SIGN DATE

CERTIFICATE OF SERVICE

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

Shaker Motor Car Co.
3080 Duke Street
Alexandria Virginia 22314
City/State

Posted true copy of this notice at the site of the
infraction

The undersigned states that he/she is an employee
of the City of Alexandria Department of Planning
and Zoning and knows this Certificate of Service to
be true to the best of his/her knowledge.

Signature Melinda S. Albers
Print Name Melinda S. Albers
Date Phone # 838-4946

WARNING
YOU ARE REQUIRED TO RESPOND TO THIS NOTICE
OF VIOLATION WITHIN 15 DAYS OF THE DATE OF
SERVICE IN ONE OF THE FOLLOWING WAYS

Z-03

TICKET NO 2750

**1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A
HEARING:**

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

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**3. TO CONTEST THE INTERPRETATION OF THE SY
ORDINANCE:**

• You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL
PLANNING AND ZONING AT 703-838-4688

**FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT
IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT
AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE
WAS ISSUED**

**YOU MUST COMPLETE AND SIGN THIS
CERTIFICATION:**

ADMIT VIOLATION NO CONTEST CONTEST IN COURT

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

I hereby certify under penalty of law, that I have
answered as indicated above, and corrected or made
substantial efforts to correct the violation that I have
admitted or for which I have pleaded no contest.

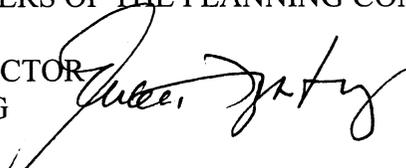
Signature _____ Date _____

City of Alexandria, Virginia

MEMORANDUM

DATE: SEPTEMBER 24, 2003

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: EILEEN FOGARTY, DIRECTOR
PLANNING AND ZONING 

SUBJECT: NATION AUTO GROUP, INC
3030 DUKE STREET
SUP #2003-0044

This case was heard on the Planning Commission docket in June as a request to change the ownership of this used car dealership on Duke Street. At the hearing, Mr. Toy, the property owner of the Colvin Street property that abuts the site in the rear, spoke regarding the fact that part of the dealership operation encroached onto his property. The Commission deferred the matter to allow staff, the applicant and Mr. Toy to discuss the issue.

Staff has discussed the issue with both the applicant and Mr. Toy several times over the last few months. Attached is a letter from the applicant's attorney, as well as an agreement between the applicant and the adjacent property owner, which should address Mr. Toy's concerns. It requires that the land area at issue, although paved by the applicant's predecessor, be blocked off so that dealership cars are not parked there. It also requires that the land are be maintained by Mr. Toy, and that the rear of Mr. Toy's Colvin Street building be painted by the applicant.

With this agreement, the issue appears to be resolved and staff recommends approval of the special use permit.

LAND, CLARK, CARROLL, MENDELSON & BLAIR, P.C.

Attorneys & Counsellors at Law

**524 KING STREET
ALEXANDRIA, VA 22314**

H. CARTER LAND, III
JAMES C. CLARK
F. ANDREW CARROLL, III
RICHARD S. MENDELSON
DUNCAN W. BLAIR

.....
(703) 836-1000

FACSIMILE
(703) 549-3335

MAILING ADDRESS:
P.O. Box 19888
ALEXANDRIA, VIRGINIA 22320-0888

September 23, 2003

Barbara Ross
Deputy Director
Department of Planning & Zoning
301 King Street, City Hall
Alexandria, Virginia 22314

In Re: Special Use Permit 2003-0044; 3030 Duke Street

Dear Barbara:

I enclose a copy of a Letter of Agreement dated September 16, 2003 between Esmat Ali, President of Nation Auto Group, Inc. and Mr. George Toy, owner of 3021 Colvin Street, concerning the property issues raised during the June 2003 Planning Commission Public Hearing. As you can see, the issues have been resolved. Please note that the last paragraph of the letter addresses the fact that this letter will be provided to the City of Alexandria and also indicates Mr. Toy's support of the application.

If you have any questions or require further information regarding this matter, please do not hesitate to call.

Very truly yours,

Duncan W. Blair
Duncan W. Blair *etc*

cc: Esmat Ali
Owen Keegan

NationAutoRoss 92303

**NATION AUTO GROUP
3030 DUKE STREET
ALEXANDRIA, VA 22314
703.461.7800**

September 16, 2003

Owen D. Keegan, Esquire
3200 North Vermont Street
Arlington, VA 22037

In Re: Nation Auto Group 3030 Duke Street, Alexandria, VA

Dear Mr. Keegan:

I am writing as President of Nation Auto Group, the owner of the automobile sales facility at 3030 Duke Street, Alexandria, Virginia, the property abutting immediately to the rear of your client Mr. George Toy's property at 3021 Colvin Street, Alexandria, Virginia.

I am writing to confirm the following.

1. Enclosed is a check in the amount of eight hundred dollars (\$800.00) payable to Owen D. Keegan Attorney At Law, representing reimbursement of attorney's fees incurred by Mr. Toy in connection with this matter. The funds are to be retained by you until you are in possession and have forwarded to my attention a countersigned copy of this letter by Mr. Toy.
2. Mr. Aman Abbasi has been contracted by Nation Auto Group to repaint Mr. Toy's building and will perform the work within ten (10) days after Mr. Toy has cleaned up the overgrown weeds and trees on the northern boundary of his property. Mr. Toy is hereby granted a license to enter onto Nation Auto Group's property for the purpose of removing the existing weeds and for maintaining that portion of this property. Mr. Toy agrees that he shall maintain that portion of his property. Within ten (10) days of the removal of the vegetation referred to in Paragraph 2, Mr. Abbasi will repaint the building with white paint which work will be done at the Nation Auto Group's sole cost and expense.
3. To prevent vehicles parked on Nation Auto Group's property from encroaching onto Mr. Toy's property, Nation Auto Group will within ten (10) days of the removal of the vegetation referred to in Paragraph 2 install metal poles into the pavement of their property at approximately ten feet (10') on center, and install a metal chain between the sunken metals poles to create a barrier.
4. Mr. Toy acknowledges and ratifies the actions performed by Mr. Gholam Shaker, the owner of Shaker Motor Car Company the prior operator of the property, with respect to the paving of Mr. Toy's property. Mr. Shaker installed pavement on the northern

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portion of Mr. Toy's property. Mr. Toy consents to the pavement, which pavement has now been attached and becomes the property and responsibility of Mr. Toy.

5. Nation Auto Group agrees that it shall not use Mr. Toy's property for storing vehicles or for any other use without obtaining Mr. Toy's explicit written consent to such activity.

The parties acknowledge that in the event of a breach in any term hereof, including without limitations, any further trespass or threatened trespass on the property of Mr. Toy, that the party not responsible for the breach, or the threatened breach, shall be entitled to recover from the other in addition to any and all other remedies available, at law or in equity, each party's reasonable expenses caused by the breach or threatened breach including such parties reasonable attorney's fees.

It is my understanding that the above memorializes the agreements that were reached on July 16, 2003 during an on-site meeting. I apologize for the delay in formalizing this agreement.

I would appreciate your having Mr. Toy acknowledge his agreement to the terms and provisions of this letter in the space provided below.

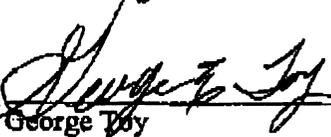
Please be advised that I will submit a copy of this letter to Ms. Barbara Ross, Deputy Director of the Department of Planning and Zoning, prior to the October 7, 2003 Planning Commission Public Hearing where Nation Auto Group's request to amend the existing special use permit is to be heard. Additionally it is our understanding, upon your receipt of this letter and the agreements contained herein, that Mr. Toy is and will be supportive of Nation Auto Group's request before the Planning Commission and City Council. If you have any questions, or require further information, please do not hesitate to call.

Esmat Ali,



Esmat Ali, President Nation Auto Group

Seen and agreed:



George Toy

SEPT 23rd 2003
Date

cc:Duncan W Blair, Esq.