

EXHIBIT NO. 1

4
9-16-06

Docket Item #5
SPECIAL USE PERMIT #2006-0053

Planning Commission Meeting
September 7, 2006

ISSUE: Consideration of a request for a special use permit to operate a light automobile repair business.

APPLICANT: Martha E. Medina

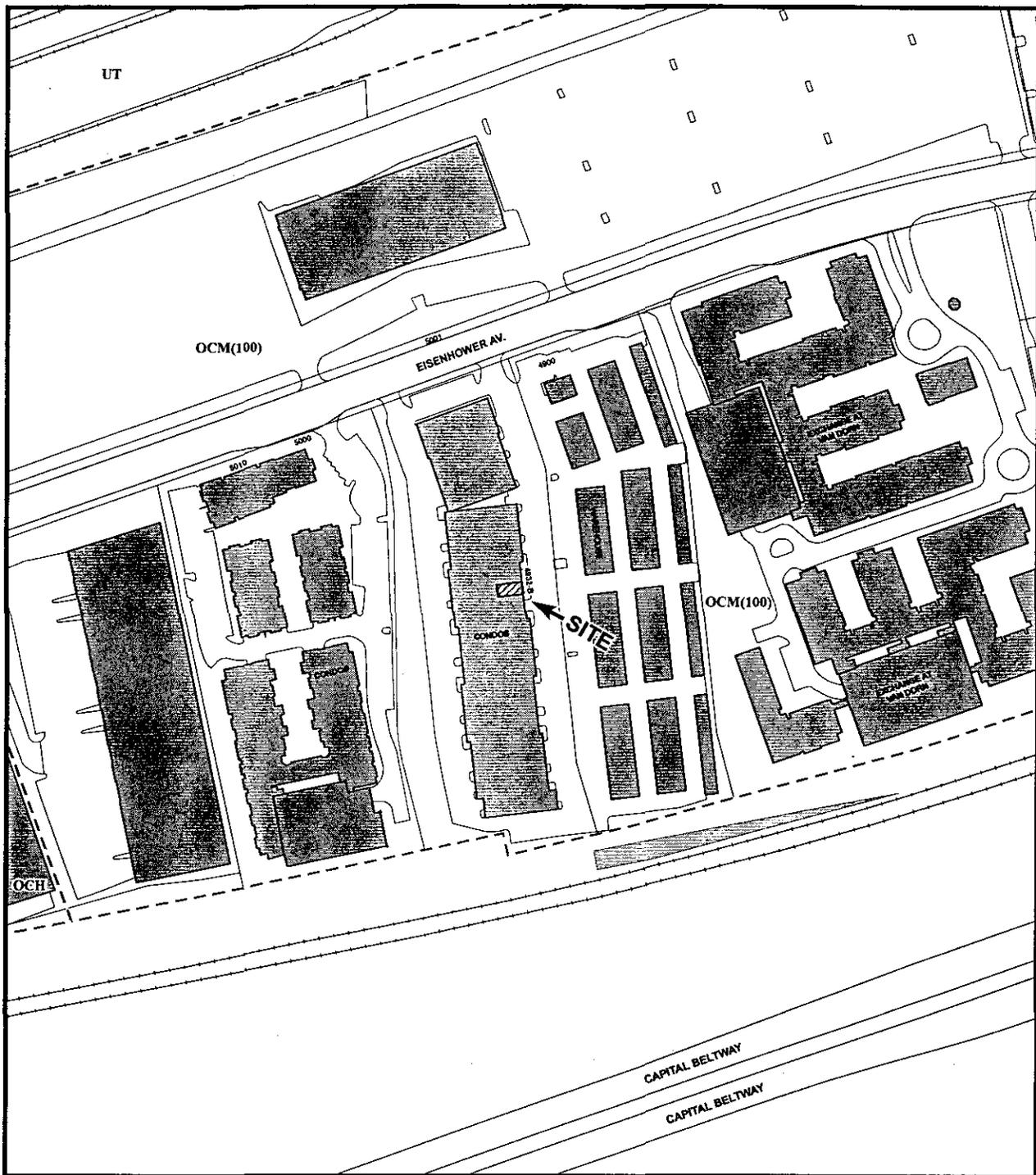
LOCATION: 4932-B Eisenhower Avenue

ZONE: OCM(100)/Office Commercial Medium

PLANNING COMMISSION ACTION, SEPTEMBER 7, 2006: 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 the staff analysis.

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



SUP #2006-0053

09/07/06



I. DISCUSSION

REQUEST

The applicant, Martha Medina, requests special use permit approval for the operation of a light automobile repair business located at 4932-B Eisenhower Avenue.

SITE DESCRIPTION

The subject property is part of one lot of record with 455 feet of frontage on Eisenhower Avenue, a depth of approximately 795 feet and a total lot area of 8,529 acres. The site is developed with the 'BuildAmerica Six' Industrial Park, a one-story warehouse with 150,000 square feet of floor area, 335 parking spaces, and more than 40 units, and occupied by a variety of light industrial/manufacturing/auto repair and storage uses.



The 1,766.7 square foot space proposed to be occupied by the applicant, is located on the east side of the building.

SURROUNDING USES

The site is surrounded by industrial, commercial, and storage uses. Railroad tracks abut the site to the south, an office building is located on the north side of Eisenhower Avenue, and a self-storage lot is adjacent to the warehouse complex to the east.

BACKGROUND

On June 3, 2006, staff visited the subject property and found the applicant to be operating prior to the approval of this special use permit. Staff issued a warning ticket to the applicant to cease operations until the special use permit has been approved. Staff has revisited the property and found that the applicant has ceased operations.

PROPOSAL

The applicant requests special use permit approval to operate a light automobile repair business at 4932-B Eisenhower Avenue. The operation of the business as proposed by the applicant is as follows:

Hours:	Monday- Friday: 8am- 6pm
	Saturday: 8am- noon
	Sunday: Closed
Number of employees:	3

Number of patrons per day:	7
Noise:	The applicant does not anticipate any noise impacts.
Trash/Litter:	The applicant anticipates three bags of trash per week and a trash pickup of twice per week. The applicant also will have employees pick up any litter outside the business.
Odors:	The applicant does not anticipate any odors from the business operation.
Hazardous Materials and Organic Compounds:	Oil and anti-freeze recovery will take place once per month.

PARKING

According to Section 8-200 (A)(17) of the Zoning Ordinance, a repair business requires one parking space for every 400 square feet. A repair business with 1,766.7 square feet will be required to provide five off-street parking spaces. The applicant is proposing to provide five off-street parking spaces for the business, not including spaces within the facility.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the Office Commercial Medium 100 (OCM 100) zone. Section 4-1000 (S) of the Zoning Ordinance allows light automobile repair in the Office Commercial Medium zone only with a special use permit.

The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for office/ industrial use.

II. STAFF ANALYSIS

Staff does not object to the operation of a light automobile business at the proposed location on Eisenhower Avenue. The use is consistent with the Small Area Plan for this location and with other similar businesses in the Build America Six development. The light auto repair business is in an appropriate location and provides an important service to City residents.

While the applicant was found to be operating in the new location during an inspection by staff on June 3, 2006, the applicant has been made aware that no work is to be done there until they are in compliance with building code requirements. Staff has visited the property and found that the applicant has ceased operations.

With the proposed conditions, staff recommends approval of the subject application.

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the light auto repair business shall be limited to between Monday- Saturday 8:00AM-7:00PM. (P&Z)
3. Repair work done on the premises shall be limited to light automobile repair. Light automobile repair is defined as: Minor service work to automobiles or light trucks including tune up, lubrication, alignment, fuel system, brakes, mufflers, and replacement of small items but not include general auto repair services. (P&Z)
4. No repair work shall be done outside. (P&Z)
5. No junked, abandoned, or stripped vehicles shall be parked or stored outside. (P&Z)
6. No vehicles shall be loaded or unloaded on the public right-of-way. (P&Z)
7. No debris or vehicle parts shall be discarded on the public right-of-way. (P&Z)
8. No vehicles shall be displayed, parked, or stored on a public right-of-way. (P&Z)
9. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a suitable trash receptacle or enclosure. (P&Z)
10. The area around the building shall be kept free of debris and maintained in an orderly and clean condition. (P&Z)
11. The applicant shall post the hours of operation at the entrance of the business. (P&Z)

12. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a security survey for the business and regarding a Robbery Awareness Program for all employees. (Police)
13. All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
14. 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)
15. 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)
16. All repairs of motor vehicles shall be conducted inside the building. (T&ES)
17. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
18. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, 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 as the result of a complaint that rises to the level of a violation of the permit conditions, (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: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
James Hunt, 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:

- 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 and regulates the hours of operation of power equipment.
- R-1 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-2 All loudspeakers shall be prohibited from the exterior of the building.
- R-3 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-4 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-5 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-6 All repairs of motor vehicles shall be conducted inside a building or structure that is approved by the Director of Planning and Zoning.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

- C-2 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-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-4 Electrical wiring methods and other electrical requirements must comply with ICC Electric Code 2003 for commercial repair garages of automobiles.

Health Department:

- F-1 No comment.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a security survey for the business.
- F-1 As long as the applicant retains the same employees, there is no need for a Robbery Awareness Training program to take place.
- F-2 The Police Department has no objections to the relocation of the business from 4948-B to 4948-C Eisenhower Avenue.

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.

Edwin O. Medina 100%
Martha E. Medina 100%

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)

Light auto repair

Work we go in to do

Tune up. oil change and tire 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).

7

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

3

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

Day:
Monday thru Friday
Saturday

Hours:
8 am to 6 pm
8 am to 12 pm

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

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

NO

B. How will the noise from patrons be controlled?

NO

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

NO

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?

trash pick up twice a week
Employee will be pick up any litter

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

3 BAGS per week

C. How often will trash be collected?

2 times a week

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

Employee check for litter
Daily.

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:

oil recovery by OIL A MSL
Ante freeze by OIL A MSL

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:

~~Ante freeze~~ See #10

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

Fire Staircases
Evacuation of Emergency exit Doors

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?

4 spaces

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

4 Standard spaces

 Compact spaces

1 Handicapped accessible spaces.

 Other.

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

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

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

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

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

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? NOT

B. How many loading spaces are available for the use? NOT

C. Where are off-street loading facilities located? NOT

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

7 am to 12 pm or noon

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

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?

N/A

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?

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

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

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

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other, please describe: Commercial Building



APPLICATION - SUPPLEMENTAL

AUTOMOBILE-ORIENTED USES

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: Light Auto Repair

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

- tune up
- oil change
- tire repair

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

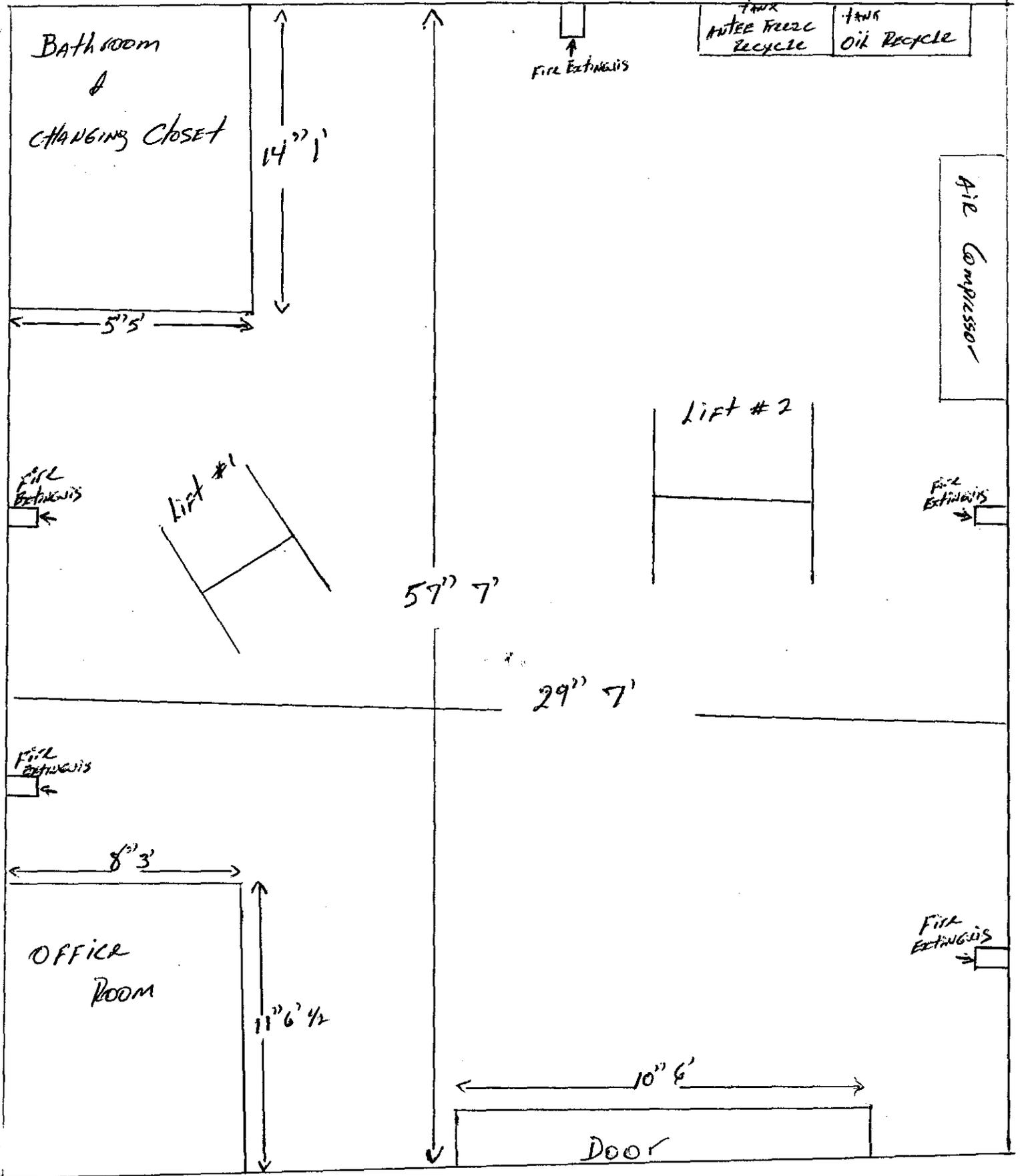
- 2 hydraulic lifts or racks
- 0 service pits
- 1 service bays

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)?

- 2 WITH SERVICE BAY
- 4 PARKING SPACES

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.



Sept



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2006-0053

PROPERTY LOCATION: 4932^B Eisenhower Av. Alexandria, VA 22304
TAX MAP REFERENCE: 68.04-0A-020 **ZONE:** OCM

APPLICANT

Name: Martha Elizabeth Medina
Address: 312 Cloudes Mill Way Alexandria, VA 22304

PROPERTY OWNER

Name: Ralph Laguna
Address: _____

PROPOSED USE: Light Auto Repair

[] **THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[] **THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Martha E. Medina
Print Name of Applicant or Agent
312 Cloudes Mill Way
Mailing/Street Address
Alexandria, VA 22304
City and State Zip Code

Martha E. Medina
Signature
(703) 823-1120
Telephone # Fax #

Email address
5-12-06
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: \$ _____
ACTION - PLANNING COMMISSION: unanimous consent, recommended approval 9/7/06
ACTION - CITY COUNCIL: 9/16/06 City Council approved the PC recommendation 7-0

9
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