

EXHIBIT NO. 1

11
9-15-01

Docket Item #11
SPECIAL USE PERMIT #2001-0073

Planning Commission Meeting
September 4, 2001

ISSUE: Consideration of a request for a special use permit to expand an existing light automobile repair garage.

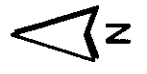
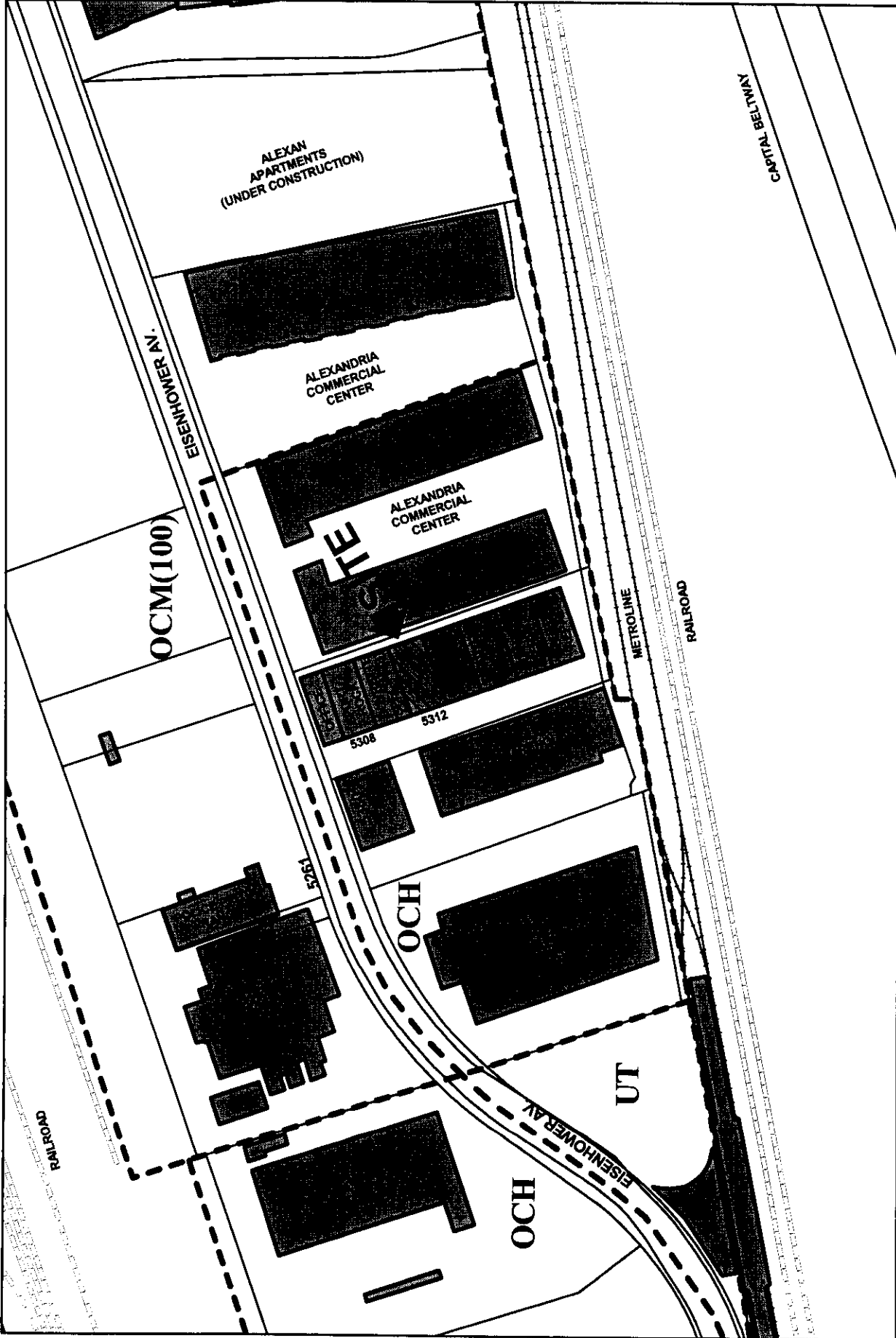
APPLICANT: BNK Corporation
by William C. Thomas, Jr., attorney

LOCATION: 5312 Eisenhower Avenue
Porsha Pitstop

ZONE: OCH/Office Commercial High

PLANNING COMMISSION ACTION, SEPTEMBER 4, 2001: 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.



09/04/01

SUP #2001-0073



STAFF RECOMMENDATION:

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #2000-009)
2. No automobile repair work shall be done outside. (P&Z) (SUP #2000-009)
3. Automobile repair work done on the premises shall be restricted light automobile repairs. (P&Z) (SUP #2000-009)
4. The hours of operation shall be limited to 8:00 A.M. to 6:00 P.M. Monday through Friday and 8:00 A.M. to 3:00 P.M. on Saturdays. (P&Z) (SUP #2000-009)
5. No junked, abandoned, or stripped vehicles shall be parked or stored outside. (P&Z) (SUP #2000-009)
6. No vehicle parts, tires, or other materials shall be stored or permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure. (P&Z) (SUP #2000-009)
7. No vehicles shall be displayed, parked or stored on a public right-of-way. (P&Z) (SUP #2000-009)
8. No amplified sound shall be audible at the property line. (Health) (SUP #2000-009)
9. No banners, streamers, flags, or similar advertising devices shall be displayed on the premises, but signs advertising the general business conducted on the premises may be displayed in accordance with Article IX, Section 9-100 of the Zoning Ordinance of the City of Alexandria, Virginia. (P&Z) (SUP #2000-009)
10. **CONDITION AMENDED BY STAFF:** All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant, and antifreeze shall be separated and disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers nor be discharged onto the ground. (Health) ~~(SUP #2000-009)~~ (T&ES)

11. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey of the business and a robbery awareness program for employees. (Police) (SUP #2000-009)
12. The applicant shall store vehicle keys in a safe location. (Police) (SUP #2000-009)
13. All vehicles left overnight shall be secured inside the building. (Police) (SUP #2000-009)
14. Lighting in the parking lot shall be maintained at a minimum of 2.0 foot candles. (Police) (SUP #2000-009)
15. All lighting shall be directed downward and shall be screened at the sides to avoid glare on the street and on adjacent properties and public rights-of-way to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2000-009)
16. The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. (T&ES) (SUP #2000-009)
17. **CONDITION RETAINED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. ~~(P&Z) (SUP #2000-009)~~ (P&Z)
18. **CONDITION ADDED BY STAFF:** The applicant shall control odors and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
19. **CONDITION ADDED BY STAFF:** No material shall be disposed of by venting into the atmosphere. (T&ES)

DISCUSSION:

1. The applicant, BNK Corporation, requests special use permit approval for an expansion of an existing automobile repair business 5312 Eisenhower Avenue.
2. The subject property is one lot of record with an estimated 200 feet of frontage along Eisenhower Avenue, a depth ranging from 500 to 600 feet and a lot area of approximately 104,720 square feet. One two-story industrial building with a total of 62,000 square feet has been divided into office space and seven warehouse units. The building includes loading facilities and the site has 103 parking spaces. The proposed automobile repair garage will occupy a unit of approximately 8,000 square feet in the warehouse that was previously vacant.

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

3. On March 18, 2000, City Council granted Special Use Permit #2000-009 to Minh's Corporation, Porsha Pitstop to allow a light automobile repair garage. On March 15, 1997, City Council granted Special Use Permit #96-0087 to Krucoff Realty Partnership for a variety of noncomplying and special uses in the warehouse building. In conjunction with that application, the applicant also requested a parking reduction, but that request was denied by Council.
4. The applicant, whose corporation has been renamed BNK Corporation, currently operates an 8,000 square foot light automobile repair garage and seeks permission to expand the business in order to provide one restoration booth for vehicle restoration and painting. The booth will be approximately 336 square feet located within the existing repair garage. According to the application materials, the proposed body restoration and painting will be performed primarily on classic cars and older model Porsches.
5. No other changes are proposed to the operation of the automobile repair garage.
6. The approved hours of operation are Monday through Friday from 8:00 a.m. to 6:00 p.m., and on Saturdays from 8:00 a.m. to 3:00 p.m.
7. A total of four employees, including the applicant, operate the business daily. No additional employees are proposed.

8. Pursuant to Section 8-200(A)(17) of the zoning ordinance, a minimum of ten parking spaces is required for the proposed automobile repair garage. The applicant proposes to provide a total of 18 spaces: eight spaces inside the building and ten spaces on the parking lot. He has represented that only his employees will park vehicles in the interior spaces, and that at least two of the interior spaces will be available for employee or customer parking.
9. On July 30, 2001, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.
10. Zoning: The subject property is located in the OCH/Office Commercial High zone. Section 4-1103(Q) of the zoning ordinance allows only light automobile repair in the OCH zone with a special use permit.
11. Master Plan: The proposed use is consistent with the Landmark/Van Dorn small area plan chapter of the Master Plan which designates the property for office and commercial uses.

STAFF ANALYSIS:

Staff has no objection to the expansion of the existing automobile repair garage located at 5312 Eisenhower Avenue. Staff notes that the restoration booth proposed by the applicant is a feature of general automobile repair which is not permitted under the current zoning of the property. However, staff indicated in the 1997 special use permit that approved a variety of permitted, special and noncomplying uses at the property, that it would prefer to consider automobile repair uses on a case by case basis in order to assess the impact of the use and recommend appropriate conditions.

In this case, the applicant seeks permission only for a restoration booth; all other repairs performed by the applicant will be limited to light automobile repair. Four of the eight tenant spaces in this complex are occupied by automobile repair businesses. The expanded use is therefore compatible with the existing uses located at the subject property. In order to ensure that the general repair use remains small and accessory to the principal light automobile repair uses, staff has included a condition allowing only one restoration booth. Staff has also retained Condition #17 which requires a review one year after approval so that if there are any problems with the operation of the automobile repair garage, additional conditions may be imposed. With these conditions, staff recommends approval of the special use permit.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Kathleen Beeton, Urban Planner.

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 sets the maximum permissible noise level as measured at the property line.
- R-1 Amend condition #10 as follows:

All waste products including, but not limited to organic compounds (solvents) motor Oil, compressor lubricant, and antifreeze shall be separated and disposed of in accordance with all local state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers nor be discharged onto the ground.
- R-2 Applicant shall comply with the City of Alexandria's Best Management Practices Manual for Automotive Related Industries.
- R-3 The Applicant shall control odors and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-4 No material be disposed of by venting into the atmosphere.

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.

- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-4 Required exists, parking, and accessibility for persons with disabilities must be provided to the building.

Health Department:

- F-1 No comments.

Police Department:

- F-1 No comments.

APPLICATION for SPECIAL USE PERMIT # 2001-0073

[must use black ink or type]

PROPERTY LOCATION: 5312 Eisenhower Avenue (within 5300-5320)

TAX MAP REFERENCE: 77.00-01-07 ZONE: OCH

APPLICANT Name: BNK Corp. (name change from Minh's Corp.)

Address: 5312 Eisenhower Avenue

PROPERTY OWNER Name: Krucoff Realty Partnership

Address: 2870 Upton Street, NW Washington, DC 20008

PROPOSED USE: name change and amend permit to add restoration booth

limited general auto repair expansion of light automobile repair business

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

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

FAGELSON SCHONBERGER PAYNE & DEICHMEISTER, PC

By: William C. Thomas, Jr.

Print Name of Applicant or Agent

11320 Random Hills Road, Suite 690

Mailing/Street Address

Fairfax, Virginia 22030

City and State

Zip Code


Signature

703 385 8282

Telephone #

703 385 8761

Fax #

6-26-01
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

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.

~~Minh's Corp. 4536 Eisenhower Avenue~~

~~sole shareholder: Minh Nguyen~~

change to:

BNK Corp. 5312 Eisenhower Avenue

sole shareholder: Minh Nguyen

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license *on file*
 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.

Enclosed

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)

This is an application for the relocation of Porsha Pitstop from its
present location at 4536 Eisenhower Avenue to the 8000 square foot bay
at 5314 Eisenhower Avenue. The use will be similar to the Corvette Specialists
location at 5310 within the 5300-5320 building in general layout; typical
repairs; and parking of vehicles in a combination of on site exterior
and interior spaces. (additional information- items 4-19 and supplemental
materials)

AMENDMENT 6-26-01

This amendment request for SUP 2000-0009 is for a name change
(same principal with new corp name) and for the addition of a small
restoration booth so that the business can accomodate its present
customer base and provide body restoration and painting of
a limited number of cars (primarily classic and older model Porsches)

No other changes in the Use Permit are requested and the remainder of
this submission mirrors the original.

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: SUP within 5300-5320 Eisenhower Ave

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).

Vehicle customers expected: 3 to 5 per day

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

3 employees plus owner (per shift)

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

Day:

Hours:

MON-FRI

8am - 6pm

SAT

8am - 3pm

SUN

closed

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

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

compressor / air wrenches

B. How will the noise from patrons be controlled?

enclosed work areas with no outside repairs.

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

vehicle exhaust properly vented per code.

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?

paper packaging and auto parts

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

C. How often will trash be collected?

TWICE WEEKLY OR AS NEEDED.

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

NONE EXPECTED: management will monitor

2001-0073

Special Use Permit # 2000-0009

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:

PETROLEUM PRODUCTS; USED OIL - collected and recycled as available and per local state, and federal regulations

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:

CLEANERS

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

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

ALCOHOL SALES

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?

18

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

18 * Standard spaces * ~~10 SPACES INSIDE~~; ~~8 SPACES ON LOT~~. 6/26/01
 Compact spaces * ~~8 INSIDE~~ 10 ON LOT
 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? 0

B. How many loading spaces are available for the use? see below

C. Where are off-street loading facilities located? LOADING IS CONDUCTED AT BAY DOOR AREAS THROUGHOUT SITE

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

small deliveries made as necessary during
working hours

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

one or two deliveries per day

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?

adequate

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building?

Yes No

Do you propose to construct an addition to the building?

Yes No

How large will the addition be? _____ square feet.

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

800 sq. ft. (existing) + _____ sq. ft. (addition if any) = 800 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: warehouse/office combination

AUTOMOBILE ORIENTED USES SUPPLEMENTAL APPLICATION

Supplemental information to be completed by applicants requesting special use permit approval of an automobile oriented use (e.g., automobile repair garage, car wash, auto or trailer sales).

1. What type of automobile oriented use do you propose?

- automobile or motor vehicle parking or storage lot.
- automobile or trailer rental or sales.
- automobile service station.
- automobile repair, including car wash.
- other: auto repair garage

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

general auto repair with predominantly light service activities; alignments; some restoration work (painting, etc done off-site by mobile contract)

6/26/01

AMENDED: RESTORATION Booth added for

3. How many of each of the following will be provided? limited body work & painting

7 hydraulic lifts or racks

0 service pits

1 service bays (1 bay access to all lifts/work areas)

4. How many vehicles will be parked on-site at any one time. Please provide information on the type (i.e., for sale, customers, employees, or repairs)?

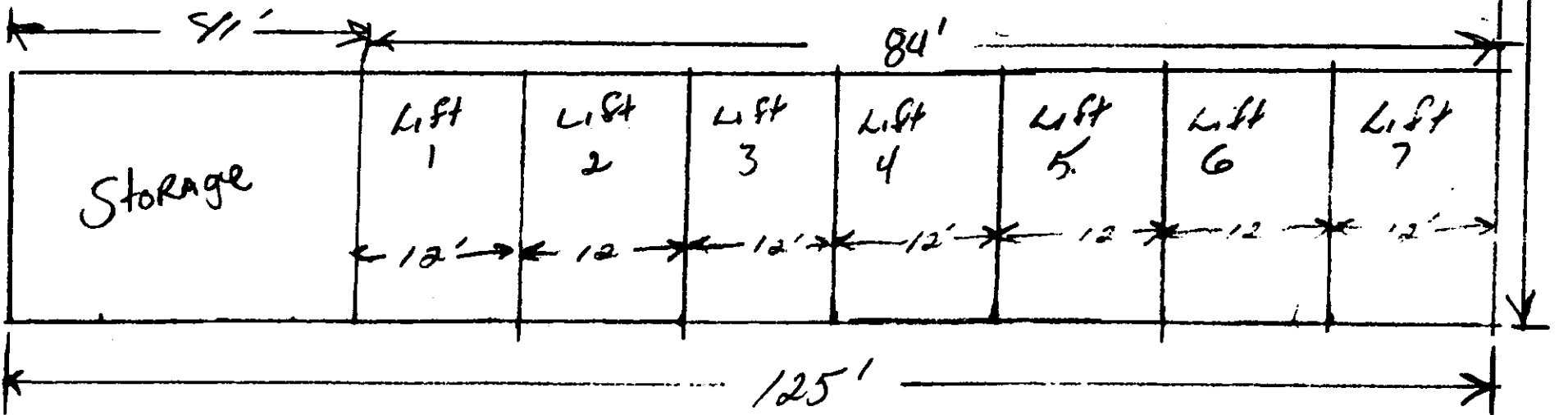
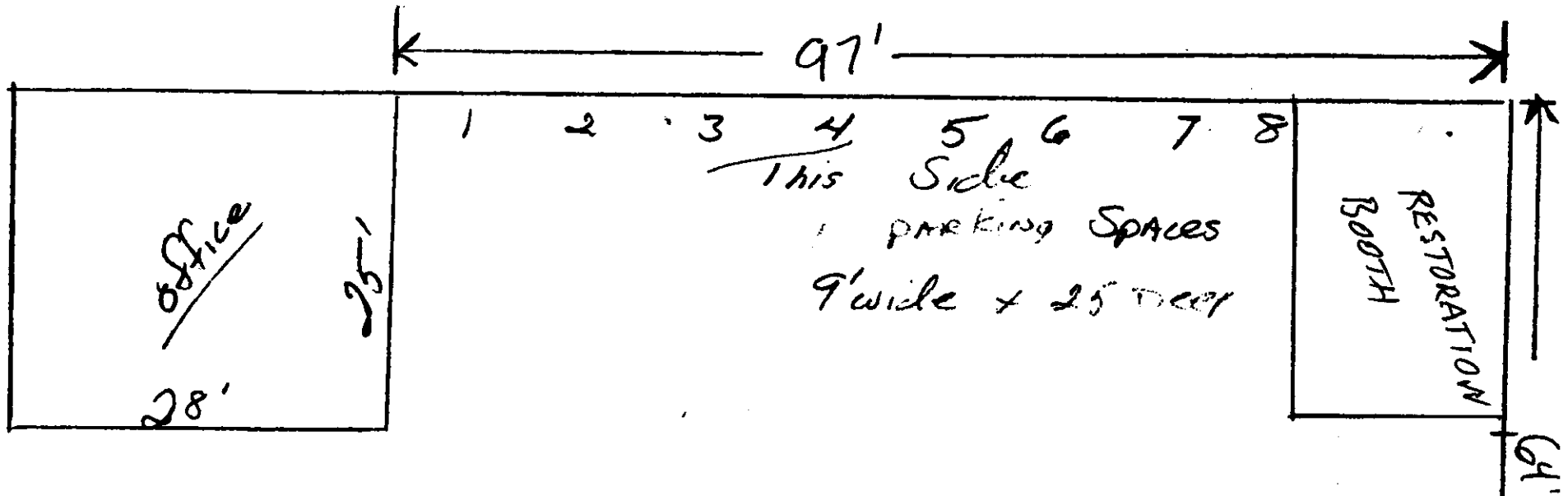
CUSTOMERS/repairs - 14 or fewer

Employees - 4 or fewer

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

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

Floor PLAN
5312 EISENHOWER AVE



SUP 2001-0073

APPLICATION for SPECIAL USE PERMIT # 2001-0073

11

[must use black ink or type]

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FAGELSON SCHONBERGER PAYNE & DEICHMEISTER, PC

By: William C. Thomas, Jr.

Print Name of Applicant or Agent

11320 Random Hills Road, Suite 690

Mailing/Street Address

Fairfax, Virginia 22030

City and State

Zip Code


Signature

703 385 8282
Telephone #

703 385 8761
Fax #

6-26-01
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: 9/4/01 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: 9/15/01PH--CC approved the Planning Commission recommendation.