

EXHIBIT NO. 1

6
9-15-01

Docket Item #7
SPECIAL USE PERMIT #2001-0055

Planning Commission Meeting
September 4, 2001

ISSUE: Consideration of a request for a special use permit amendment to change the hours of operation of the existing noncomplying automobile sales and service facility.

APPLICANT: Alexandria Hyundai, LLC and John E. Taylor, Jr.
by Harry P. Hart, attorney

LOCATION: 1707-1711 Mount Vernon Avenue
Alexandria Hyundai

ZONE: CL/Commercial Low

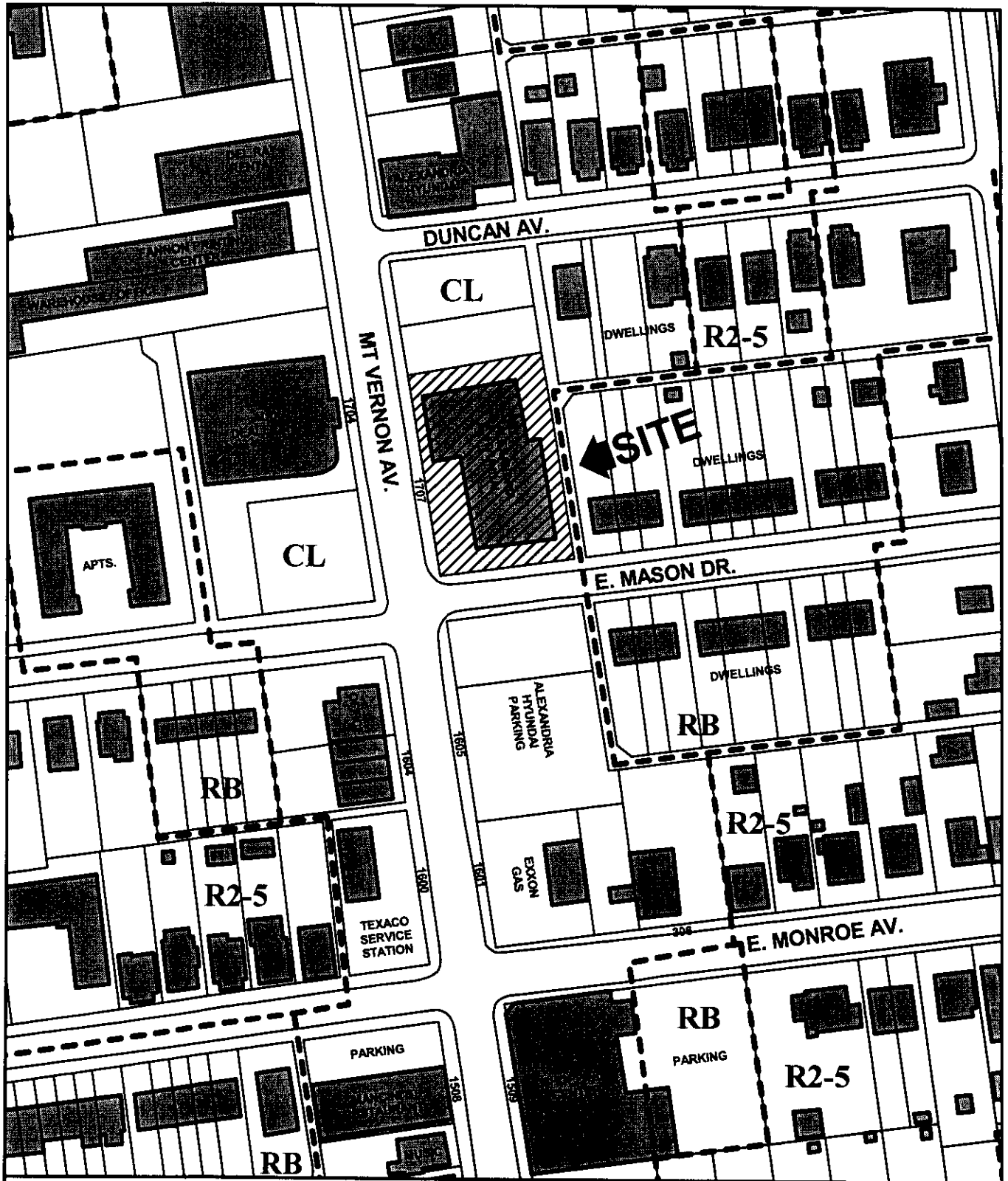
PLANNING COMMISSION ACTION, SEPTEMBER 4, 2001: On a motion by Mr. Komoroske, seconded by Mr. Dunn, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Conditions #2 and 13 and to add Condition #26. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis, accepting Del Ray Civic Association's proposals and the applicant's modifications to them.

Speakers:

Amy Slack, on behalf of the Del Ray Citizens Association, requested several new conditions be added to the permit as set forth in the memo dated August 31, 2001, including a limitation on the hours of Sunday operation and a requirement that the applicant install brick pavers on its properties including wrapping around the corners on Mason and Duncan Avenues at 1605-1611 Mount Vernon Avenue, 1707-1711 Mount Vernon Avenue, and 1801-1803 Mount Vernon Avenue.

Harry Hart, attorney representing the applicant, generally agreed to the new conditions proposed by the Association but asked that the applicant be permitted to continue to serve customers in the business and to finish the work within two hours of the closing time but agreed to not admit any new customers or write new applications after 5:00 p.m. He also requested that the proposed brick paver installation occur as the City works on Mount Vernon Avenue, and stated that the applicant is willing to spend up to \$10,000 for the requested improvements.



SUP #2001-0055

09/04/01



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 #2000-0123)
2. **CONDITION AMENDED BY PLANNING COMMISSION:** The hours of operation of the automobile sales business shall be limited to between 9:00 A.M. and 9:00 P.M., Monday through Saturday ~~and from Noon to 6:00~~ **5:00 p.m. on Sundays. The applicant shall not admit any new customers or write any new applications after 5:00 p.m. on Sundays and all business must be completed within two hours of the closing time.** Repair operations may take place from 7:00 A.M. until 6:00 P.M., Monday through Saturday. ~~(P&Z) (SUP #2000-0123) (P&Z) (PC)~~
3. Repair work done on the premises shall be limited to general automobile repair in connection with an automobile dealership. No automobile painting or heavy body work such as automobile rebuilding or overhauling may be done on the premises at any time. (P&Z) (SUP #2000-0123)
4. The site shall not include a Virginia State Inspection station, except that state inspections of sales vehicles and repair vehicles are permitted. (PC) (SUP #2000-0123)
5. The use may not include the sale of trucks or trailers. (P&Z) (SUP #2000-0123)
6. No repair work shall be done outside. (P&Z) (SUP #2000-0123)
7. No vehicles, under the control of the applicant, shall be displayed, parked, or stored on a public right-of-way, including without limitation sales or repair vehicles. (CC) (SUP #2000-0123)
8. No junked, abandoned, or stripped vehicles shall be displayed, parked, or stored outside. (P&Z) (SUP #2000-0123)
9. There shall be no parking or storing of automobiles, under the control of the applicant, on Duncan Avenue or Mason Avenue or testing of automobiles on these streets at any time. (CC) (SUP #2000-0123)

10. No vehicle parts, tires, or other materials shall be stored or permitted to accumulate outside, except in a closed dumpster or other suitable trash receptacle or enclosure. (P&Z) (SUP #2000-0123)
11. There shall be no parking or storing of sales or repair vehicles associated with this use on any other site which is not specifically approved, by special use permit, for that purpose. (P&Z) (SUP #2000-0123)
12. The rear alley entrance may only be used for limited delivery of parts and supplies; it may not be used for loading or unloading of vehicles. (P&Z) (SUP #2000-0123)
13. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall install shrubbery and trees around the perimeter of the site consistent with a landscaping plan approved by the Directors of Planning and Zoning and Recreation, Parks and Cultural Activities **with the understanding that the applicant will consult with the appropriate neighborhood groups.** The landscaping shall be installed within one year of this approval and maintained thereafter in perpetuity. (P&Z) (SUP #2000-0123) (PC)
14. The number of vehicles allowed to be parked in the parking lot shall be in accord with a plan that is submitted and approved by the appropriate city agencies. (CC) (SUP #2000-0123)
15. All vehicles on the lot shall be stored in a neat and orderly manner. (P&Z) (SUP #2000-0123)
16. The lighting on the parking lot is to be a minimum of 2.0 foot candles minimum maintained during the hours of darkness. (Police) (SUP #2000-0123)
17. 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 #2000-0123)
18. No amplified sound shall be heard at the property line. (P&Z) (SUP #2000-0123)
19. Prior to the issuance of a Certificate of Occupancy, the applicant shall contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the business. (Police) (SUP #2000-0123)

20. The property owner shall grant public utility easements to the City of Alexandria for the placement of electrical transformers to be used as part of the Mt. Vernon Ave. utility undergrounding project. The location of the easement and switch box shall be reviewed by the Directors of Transportation and Environmental Services and Planning and Zoning to ensure that it is well screened by the required hedge and fencing; if additional landscaping is required to screen the box, it shall be provided by the property owner. (T&ES) (P&Z) (SUP #2000-0123)
21. All waste products including, but not limited to, organic compounds (solvents), motor oils, and anti-freeze 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. (T&ES) (SUP #2000-0123)
22. The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. Contact the T&ES Engineering Division on (703) 838-4327 to obtain a copy of the manual. (T&ES) (SUP #2000-0123)
23. No banners, streamers, flags, or similar advertising devices shall be displayed on the premises. (P&Z) (SUP #2000-0123)
24. All exterior improvements, including signs, shall comply with the Mount Vernon Avenue Design Guidelines. (P&Z) (SUP #2000-0123)
25. 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 #2000-0123) (P&Z)
26. CONDITION ADDED BY PLANNING COMMISSION: The applicant shall install brick paver sidewalks wrapping around the corners on Mason and Duncan Avenues at 1605-1611 Mount Vernon Avenue, 1707-1711 Mount Vernon Avenue, and 1801-1803 Mount Vernon Avenue. The applicant shall remove the concrete located between the front building wall and the sidewalk at the 1801-1803 Mount Vernon Avenue site and replace the concrete with brick pavers. (PC)

DISCUSSION:

1. The applicants, Alexandria Hyundai, LLC and John E. Taylor, by Harry Hart, attorney, request special use permit to amend the hours of operation of an existing noncomplying automobile sales and service business located at 1707 Mount Vernon Avenue.
2. The subject property is six lots of record with 279 feet of frontage on Mount Vernon Avenue, 120 feet of frontage on Duncan Avenue and a total area of 33,430 square feet. The site is developed with a one story building, with surface parking. Access to the property is from Mount Vernon, Duncan and Mason Avenues. A ten foot alley abuts the rear of the site and parallels Mount Vernon Avenue.

The site abuts residential uses to the east, except that the first adjacent lot on Duncan Avenue is zoned and used for commercial purposes.

3. On November 18, 2000, City Council granted Special Use Permit #2000-123 to change the ownership of a noncomplying new and used automotive sales and service facility. Council also approved a related, but separate, special use permit, extending the use of a nonconforming parking lot at 1605-1611 Mount Vernon Avenue, to be used in conjunction with the applicant's dealership (SUP #2000-110).
4. In May 2001, in response to a complaint, staff issued a citation because the dealership was being operated on Sundays in violation of the approved special use permit. The applicant has filed this application seeking to allow it to operate on Sundays from noon to 6:00 p.m. The applicant's attorney also claims that the dealership has always operated on Sundays and that he simply overlooked the issue when he filed the application for approval last year. According to the applicant's attorney, no automobile repair work will be performed on Sundays.
5. No other changes are requested to the operation of the business.
6. 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.
7. The Police Department has advised staff that the applicant has not contacted them for the Crime Prevention work as required by Condition #19. The applicant has advised staff that he will call the Police to schedule the work.

8. Zoning: The subject property is located in the CL/Commercial low zone. The CL zone does not permit an automobile dealership, or automobile sales or service. The use is only allowed by virtue of this special use permit which allows continuation of the prior noncomplying dealership.
9. Master Plan: The proposed use is not consistent with the Potomac West small area plan chapter of the Master Plan which designates the property for CL/Commercial low uses, and those uses do not include automobile related ones.

STAFF ANALYSIS:

Staff has no objection to the applicant's request to allow the dealership at 1707-1711 Mount Vernon Avenue to operate on Sundays. Staff notes that no automobile work will be performed on Sundays. Staff has retained Condition #25 which requires a review of the special use permit one year after approval so that if there are problems with its operation, including the Sunday hours, additional conditions may be imposed. With this condition, 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:

- R-1 Comply with all T&ES recommendations for SUP#2000-0123.
- C-1 Applicant shall comply with the City of Alexandria Noise Control Code, Title 11, Chapter 5, which sets maximum permissible noise level as measured a the property line.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Police Department:

- F-1 No objections to the Sunday hours.
- F-2 To date the applicant has not had the security survey completed.

APPLICATION for SPECIAL USE PERMIT # 2001-0055

PROPERTY LOCATION: 1707 Mount Vernon Ave., Alexandria, Virginia 22301

43.02-03-01

TAX MAP REFERENCE: 34.04-16-01 & -02 ZONE: CL

APPLICANT Name: Alexandria Hyundai, L.L.C. & John E. Taylor, Jr.

Address: 1707 Mount Vernon Ave., Alexandria, VA 22301

PROPERTY OWNER Name: Taylor Holdings, L.L.C.

Address: 1707 Mount Vernon Ave., Alexandria, VA 22301

PROPOSED USE: Amendment to SUP to permit hours of operation on Sundays.

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 notices 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.

Harry P. Hart
Print Name of Applicant or Agent


Signature

HART, CALLEY, GIBBS, & KARP, P.C.
Mailing Address

(703) 836-5757 (703) 548-5443
Telephone # Fax #

307 N. Washington St., Alex. VA 22314
City and State Zip Code

Rec'd May 11, 2001
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.

John E. Taylor, Jr. 51%

Donald L. Reilly 49%

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 8 1/2" 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

4. 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.)

Alexandria Hyundai was granted a change in ownership S.U.P. in November 2000 to permit it to operate the former Alexandria Toyota site at this location. Alexandria Hyundai seeks to obtain an S.U.P. amendment to permit it to operate on Sundays from 12:00 p.m. to 6:00 p.m. as Alexandria Toyota had done for about 20 years.

The Change in Ownership S.U.P. transferred all of the prior conditions from Alexandria Toyota to Alexandria Hyundai. Under Alexandria Toyota's prior S.U.P., hours of operation were limited to Monday through Saturday, however, the dealership was open on Sundays under the mistaken belief that it was permitted to do so. Alexandria Hyundai wishes to be permitted to operate on Sundays, but recognizes that the conditions of its change in ownership S.U.P. do not permit it to do so. As a result, it is filing for an amendment to its S.U.P.

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,

☒ an 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).

Up to 150 per day for sales and service

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

Up to 70 employees a day. Sales associates will work from noon to 6 p.m. until the last customer leaves the showroom.

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

Day:

Hours:

Sunday

Noon to 6:00 p.m.

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

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

Noise from patrons will be minimal (conversational).

B. How will noise from patrons be controlled?

N/A

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

No odors are expected to emanate from the use.

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?

No trash out of the ordinary will be generated, ie., packaging from stock items,
paper, cardboard, plastic.

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

¼ to ½ of a dumpster per week.

C. How often will trash be collected?

Twice a week.

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

The property has two dumpsters and a trash containers. The dealership will also employ
a janitorial staff to keep the site clean.

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:

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:

Used motor oil will be kept in approved storage containers and will be picked up on a regular basis.

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

All city, state and OSHA code requirements will be met and maintained.

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?

N/A

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

 Standard spaces

 Compact spaces

 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 with 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? N/A

- B. How many loading spaces are available for the use? N/A

- C. Where are off-street loading facilities located? N/A

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

N/A

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

N/A

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?

Street access is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes. ☐ No.

Do you propose to construct an addition to the building? ☐ Yes. ☒ No.

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be? **Same as existing**

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

21. 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: _____

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: automotive sales and service

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

Regular maintenance and repair on Hyundai vehicles.

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)?

68 spaces on this site

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.

THE DEL RAY CITIZENS ASSOCIATION

P.O. BOX 2233

ALEXANDRIA, VIRGINIA 22301

ESTABLISHED 1954

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

From: Bill Hendrickson, President
Amy Slack, Land Use Committee Co-chair
Sarah Haut, Land Use Committee Co-chair

Date: August 31, 2001

Subject: SUP# 2001-0055; Alexandria Hyundai LLC and John E. Taylor, request for a special use permit amendment to change the hours of operation of a non-complying automobile sale and service facility at 1707-1711 Mount Vernon Avenue.

At our Land Use Committee meeting on August 29, 2001, we addressed the subject SUP request. We met with the applicant, Mr. Jack Taylor, his partner, Mr. Don Reilly and the dealership manager, Mr. Kevin Reilly.

The applicants wish to operate the dealership sales facility on Sundays from 12pm until 6pm. No other services or repairs are requested. The previous dealership, Alexandria Toyota had operated on Sundays during the past 20 years. The Hyundai dealership therefore believes they should be permitted to do so as well and view it as a business necessity.

The dealership employees a total of 16 people, many from the local community, and are proud of their mission to respect the customer, the co-worker and the community. Progress has been made since last November, to improve the appearance of the property in accordance with the SUP for the 1707-1711 site and the adjacent 1605-1611 vehicle storage lot. A portion of the landscaping is expected to be installed this Fall but the majority will be delayed until the City undergrounds the power lines and installs brick paver sidewalks. The applicants have not been given a timetable. Two 'handicap' and 5 'customer parking only' spaces have been designated. The approved parking plan requires 32 customer parking spaces to be provided. Mr. Kevin Reilly indicated that they are obtaining estimates to stencil the pavement to designate the remaining spaces.

The committee was perplexed by the request being made now instead of when the change of ownership application was made. Hyundai never indicated a desire for Sunday hours and an 'oversight' explanation is disturbing. The insistence that the dealership be allowed to remain open until all customers leave the showroom is not in keeping with restrictions made on other businesses along Mount Vernon Avenue. We reminded them of Mr. Taylor's offer to provide "spotters" at Duncan and Mason Avenues when unloading car carriers onto the public right of way.

Analysis:

- Mr. Taylor began opening on Sundays when the 'Blue Laws' were struck. Alexandria Toyota never applied for or was granted Sunday operation.
- SUP#76-1041 specifically denied Sunday repair service hours (condition 11) and parking by employees on Duncan or Mason Avenues (condition 10).
- SUP#2000-0123 clearly states hours of operation in condition #2.
- Hyundai management assumed the hours as posted on the dealership door complied with their SUP#2000-123.
- The use is not permitted in the CL zone and is inconsistent with the 1992 Master Plan and the Mount Vernon Avenue Guidelines.

In addition to conditions recommended by staff, Land Use voted to support the SUP request with the following conditions:

- The amended hours of operation be limited to Sunday from 12pm until 5pm, as currently posted at the building entrance, for the sale of vehicles only. No other services or repairs are to be performed.
- All business must be completed within two (2) hours of closing.
- The applicant agrees to install brick paver sidewalks wrapping around the corners on Mason and Duncan Avenues at 1605-1611, 1707-1711 and 1801-1803 Mount Vernon Avenue sites in conjunction with the City. Furthermore, the concrete in front of the 1801-1803 site will be removed from the building front to the property line and replaced with brick pavers.
- Modify condition 13 to reinstate the change made by City Council ...*with the understanding that the representation has been made that the applicant will consult with the appropriate neighborhood groups*

We request your support for this position and welcome your questions and comments. Please feel free to contact Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9080 and Bill Hendrickson at 703-549-7365 (days), 703-519-9410 (evenings).

6
9-15-01

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757
FAX (703) 548-5443

HARRY P. HART
MARY CATHERINE H. GIBBS
HERBERT L. KARP

OF COUNSEL
CYRIL D. CALLEY
ROBERT L. MURPHY

September 14, 2001

Mayor Kerry Donley
and Members of City Council
City Hall
Alexandria, VA 22314

Re: Docket Item No. 6, SUP # 2001-0055
Alexandria Hyundai - 107-1711 Mt. Vernon Avenue

Dear Mr. Mayor and Members of Council:

The conditions for the above referenced item were amended at the Planning Commission meeting on September 4, 2001, slightly different than how they are reflected in your Staff Report. The specific conditions and their modifications are listed below:

Condition No. 2: The underlined language should read: "The applicant shall not admit any new customers or write any new applications after 5:00 p.m. on Sundays and shall use their best efforts to complete all business within two hours after closing time.

Condition No. 26 should have a \$10,000.00 limitation for expenses for the additional brickwork.

Please make the necessary changes to these conditions at your Public Hearing this Saturday, September 15, 2001. Thank you.

Very truly yours,



Harry P. Hart

cc: Eileen Fogarty
Don Reilly
Jack Taylor

THE DEL RAY CITIZENS
ASSOCIATION6
9-15-01 PH

P.O. BOX 2233

ALEXANDRIA, VIRGINIA 22301

ESTABLISHED 1954

To: Mayor Kerry Donley
Members of Alexandria City Council

From: Bill Hendrickson, President
Amy Slack, Land Use Committee Co-chair
Sarah Haut, Land Use Committee Co-chair

Date: September 14, 2001

Subject: SUP# 2001-0055; **Alexandria Hyundai LLC and John E. Taylor**, request for a special use permit amendment to change the hours of operation of a non-complying automobile sale and service facility at 1707-1711 Mount Vernon Avenue.

At our Land Use Committee meeting on August 29, 2001, we addressed the subject SUP request. We met with the applicant, Mr. Jack Taylor, his partner, Mr. Don Reilly and the dealership manager, Mr. Kevin Reilly.

In addition to conditions recommended by staff, Land Use voted to support the SUP request with the following conditions:

- The amended hours of operation be limited to Sunday from 12pm until 5pm, as currently posted at the building entrance, for the sale of vehicles only. No other services or repairs are to be performed.
- All business must be completed within two (2) hours of closing.
- The applicant agrees to install brick paver sidewalks wrapping around the corners on Mason and Duncan Avenues at 1605-1611, 1707-1711 and 1801-1803 Mount Vernon Avenue sites in conjunction with the City. Furthermore, the concrete in front of the 1801-1803 site will be removed from the building front to the property line and replaced with brick pavers.
- Modify condition 13 to reinstate the change made by City Council ... *with the understanding that the representation has been made that the applicant will consult with the appropriate neighborhood groups*

At the Planning Commission hearing on September 4, 2001, Mr. Don Reilly agreed to condition 1 and 4 without hesitation. In regard to condition 3, Mr. Reilly agreed to remove the concrete in front of the 1801-1803 site from the building front to the property line and replaced it with brick pavers and to install brick paver sidewalks wrapping around the corners onto Mason and Duncan Avenues for ten feet (10') on both sides of the street to an expense of ten thousand dollars (\$10,000.00). This figure was arrived at by using a sixty five (\$65.00) per square yard figure for installation supplied by T&ES. Furthermore, Mr. Reilly agreed that no appointments would be scheduled for nor any new paperwork would be started after the 5:00pm closing and they would endeavor to

complete all business by 7:00pm although he was opposed to this as a condition of the permit.

At our DRCA meeting on September 11, 2001, the general membership voted to support the Land Use committee recommendations.

We request your support for the Association's position and welcome your questions and comments. Please feel free to contact Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9080 and Bill Hendrickson at 703-549-7365 (days), 703-519-9410 (evenings).

6

APPLICATION for SPECIAL USE PERMIT # 2001-0055

PROPERTY LOCATION: 1707 Mount Vernon Ave., Alexandria, Virginia 22301
43.02-03-01

TAX MAP REFERENCE: 34.04-16-01 & -02 ZONE: CL

APPLICANT Name: Alexandria Hyundai, L.L.C. & John E. Taylor, Jr.

Address: 1707 Mount Vernon Ave., Alexandria, VA 22301

PROPERTY OWNER Name: Taylor Holdings, L.L.C.

Address: 1707 Mount Vernon Ave., Alexandria, VA 22301

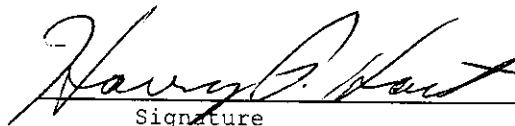
PROPOSED USE: Amendment to SUP to permit hours of operation on Sundays.

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 notices 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.

Harry P. Hart
Print Name of Applicant or Agent


Signature

HART, CALLEY, GIBBS, & KARP, P.C.
Mailing Address

(703) 836-5757 (703) 548-5443
Telephone # Fax#

307 N. Washington St., Alex. VA 22314
City and State Zip Code

Red May 11, 2001
Date

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

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

ACTION - PLANNING COMMISSION: 9/4/01 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 9/15/01PH--See attached. (Separate Motion)

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

ACTION CONSENT CALENDAR (continued)

Planning Commission (continued)

✓ 4. Councilman Speck spoke to the significant amount of land that is used by Episcopal High School and the Seminary which, of course, is not on the tax rolls, and they're receiving services from the City in a variety of ways. He queried what, if any, opportunities exist for the City to be more involved in the use of that land, the services the City provides, and the availability of any land that they are not using for City services.

Councilwoman Pepper noted the various developments on this site and expressed concern that the City is losing open space. She questioned if the City gets any kind of input with respect to open space and reported that this concern was raised at the Open Space Summit.

City Manager Sunderland stated that the Open Space Study is generally focusing on the Episcopal land but suggested that the Open Space Study focus a little more specifically on it.

Mayor Donley stated he'd be happy to have the Open Space Study group take a look at it; however, to Episcopal's defense, he noted several instances where they do permit use of their facilities for community events, students' use for sport activities, and as part of their community service requirement at Episcopal High School, students each year spend a day out in the community doing park cleanups, river cleanups, painting, etc. He stated that he thinks the real question is can the City maximize that or get a little bit bigger play for that request.

City Council approved the Planning Commission recommendation. **(Separate Motion)**

✓ 5. City Council approved the Planning Commission recommendation.

✓ 6. Harry P. Hart, attorney representing the applicant, spoke to amendments to condition nos. 2 and 26.

Deputy Planning and Zoning Director Ross has no objections to Mr. Hart's proposed language.

Members of City Council posed questions to Attorney Hart and Applicant Reilly.

City Council approved the Planning Commission recommendation, **with the following amendments: condition no. 2 was amended to read: "2. The hours of operation of the automobile sales business shall be limited to between 9:00 a.m. and 9:00 p.m., Monday through Saturday, and from Noon to 5:00 p.m. on Sundays. Repair operations may take place from 7:00 a.m. until 6:00 p.m., Monday through Saturday; and amended condition no. 26 "to include a \$10,000 limitation for expenses for the additional brickwork." (Separate Motion)**

✓ 7. City Council approved the Planning Commission recommendation.

✓ 8. City Council approved the Planning Commission recommendation.

SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK 9-15-01
BEFORE YOU SPEAK ON A DOCKET ITEM.**

DOCKET ITEM NO. 6

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Harry P. (Bud) Hart
2. ADDRESS: 307 N. Washington St
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.):

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 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that 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 Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item 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.

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 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

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or 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.
- 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, the speakers shall be called in the chronological order of their request forms' submission.
- 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.