

Docket Item # 2
SPECIAL USE PERMIT #2003-0109

Planning Commission Meeting
February 3, 2004

ISSUE: Consideration of a request for a special use permit for a temporary new home customer service office.

APPLICANT: Madison Homes Inc.
by Greg Poulson

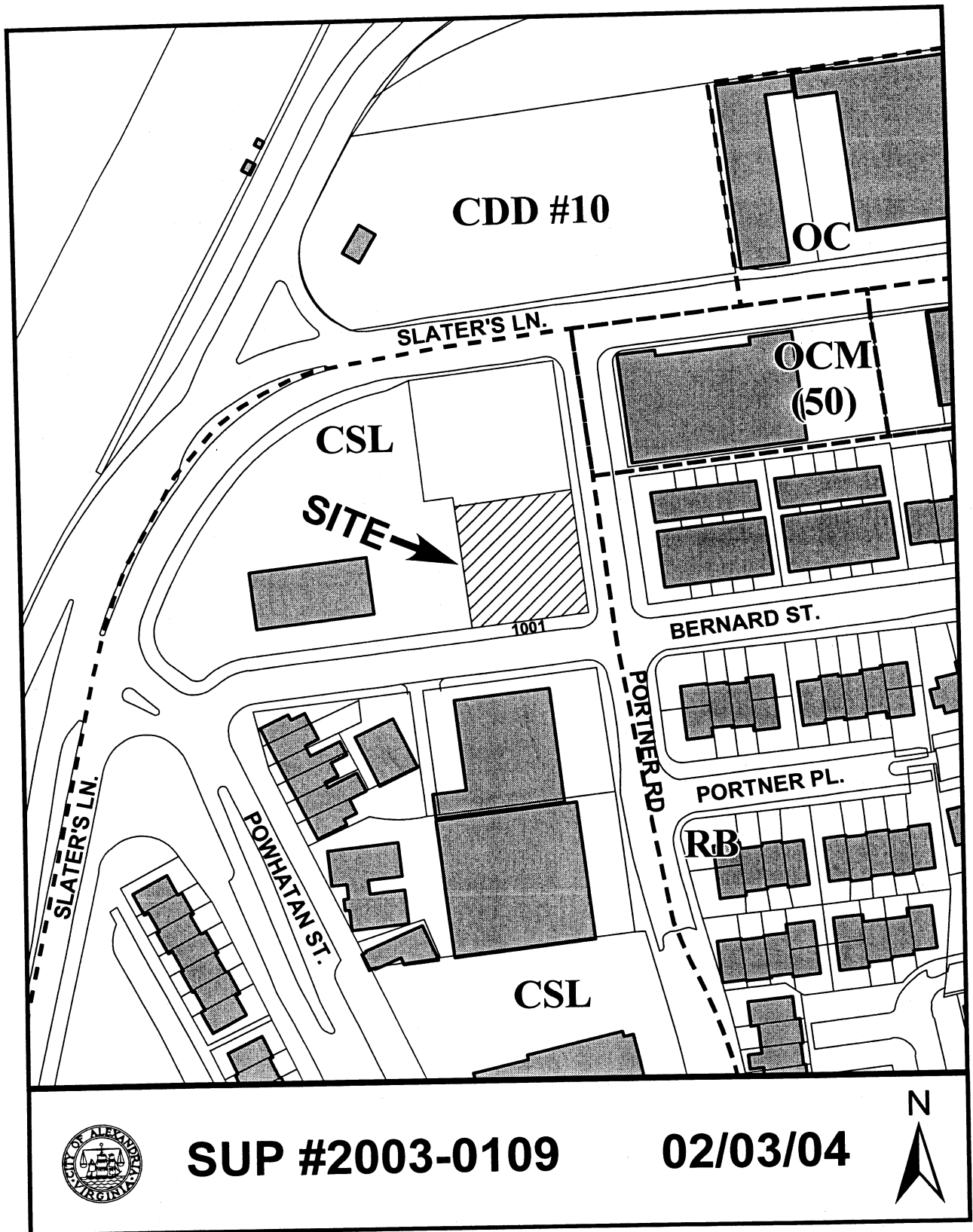
LOCATION: 1001 Bernard Street

ZONE: CSL/Commercial Service Low

PLANNING COMMISSION ACTION, FEBRUARY 3, 2004: 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 permit conditions found in Section III of this report.



SUP #2003-0109

02/03/04



I. DISCUSSION:

REQUEST

The applicant, Madison Homes Inc., by Greg Poulson, requests special use permit approval for a temporary office trailer located at 1001 Bernard Street.

PROPERTY DESCRIPTION

The subject property is one lot of record with 100 feet of frontage on Bernard Street, 110 feet of depth on Portner Road, and a total lot area of 11,000 square feet. The site is currently undeveloped.

PROJECT DESCRIPTION

On September 14, 2002, City Council approved a special use permit for a temporary trailer at this location. The trailer was required to be removed twelve months from the time of City Council approval. The trailer was never removed, and as a result of enforcement efforts, including fines, the applicant filed this application requesting that the trailer remain. Staff visited the subject property and found no other violations to the special use permit.

The temporary trailer is used as an office by two customer service employees to provide assistance to new homeowners at the 38-unit, Old Town Crescent development, which is located immediately to the east. The service personnel respond to issues covered under the 12-month warranty of the units. The applicant explained that the service personnel are still needed on the site to finish the remaining condominiums that are still under the warranty period, and given the number of units, it is most efficient and convenient to have the service personnel in the immediate vicinity of the units. The applicant anticipates that the trailer will be needed until the end of February 2004.

Code Enforcement staff visited the premises and observed trash, debris and construction materials being stored in an unapproved manner under the trailer, and observed that the trailer was not handicapped accessible and did not bear a seal showing compliance with the Virginia Industrialized Building Code as required.

PARKING

Under Section 8-200 (A) (18) of the zoning ordinance, an office with 160 square feet of space requires one parking space. In this case, the applicant provides three parking spaces on site in a gravel drive, which accommodates the two regular employees.

OTHER APPLICATIONS

There is an application by Madison Homes Inc. on file for a development site plan at the subject location that proposes a residential development of nine townhouse condominiums (DSP#2003-0044). The case is not yet scheduled for a hearing.

ZONING

The subject property is located in the CSL/Commercial service low zone. Section 7-1101 (C) of the zoning ordinance allows an office trailer only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Northeast Small Area Plan chapter of the Master Plan.

II. STAFF ANALYSIS:

Staff does not object to the proposed temporary trailer located at 1001 Bernard Street. Although staff is concerned that the applicant violated the previous SUP by not removing the trailer at the approved time and that there are Code violations on the property, the trailer is proposed to be removed by the end February, which is only a matter of weeks. Staff has included a condition requiring that the trailer be removed by March 1, 2004. Except for the duration of the permit, the applicant is otherwise in compliance with the special use permit conditions.

With this condition, staff recommends approval of the SUP.

III. PERMIT 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 business or entity in which the applicant has a controlling interest. (P&Z)
2. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
3. The applicant shall install lattice around the bottom of the trailer as screening and shall install and maintain landscaping as depicted on the attached landscaping plan approved by Director of Planning and Zoning and to her satisfaction. (P&Z)
4. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, or more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z)

5. **CONDITION AMENDED BY STAFF:** The trailer shall be removed by March 1, 2004. ~~twelve months from the date of approval of this special use permit.~~ (P&Z)
6. The facility shall not encroach upon the city right-of-way or the emergency vehicle easement. (T&ES)
7. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the trailer. (Police)
8. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday. (P&Z)
9. A sign shall be placed at the entrance of the parking area restricting access to employees only. (T&ES)
10. The applicant shall require that its employees who drive to work use off-street parking. (P&Z)
11. **CONDITION ADDED BY STAFF:** The applicant shall make repairs to public rights-of-way that may have been damaged during the operations of this facility to the satisfaction of the Director of T&ES. (T&ES)

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

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 A sign shall be placed at the entrance restricting access to employees only.
- R-2 The facility shall not encroach upon the city right-of-way.
- R-3 The applicant shall make repairs to public rights-of-way that may have been damaged during the operations of this facility to the satisfaction of the Director of T&ES.

Code Enforcement:

- F-1 An inspection was conducted on 11/24/03 of the property. No one was present at time of inspection. Below are repeat comments from an inspection 7/10/02 and the current status of these comments:
 - C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC). No apparent construction has occurred since July, 2002 Steps do not comply with USBC.
 - C-2 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
 - C-3 The trailer shall bear a seal showing compliance with the Virginia Industrialized Building Code. No seal located on trailer.
 - C-4 A handicapped accessible entrance, parking, and bathroom facilities shall be provided. Trailer is not handicap accessible.
- F-1 Trash, debris and construction materials shall not be stored under trailer. All trash and debris shall be disposed of in an approved container. All construction materials shall be stored in an approved manner. Trash still on property as of 11/24/03. See attached photos.

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1001 Bernard Street

F-2 All paints shall not be stored under the trailer. Paints shall be stored in an approved manner. No paints located at time of inspection.

Health Department:

F-1 No comments.

Police Department:

F-1 Concur

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[must use black ink or type]

PROPERTY LOCATION: 1001 BERNARD STREET

TAX MAP REFERENCE: 044.02-01-03 ZONE: CSL

APPLICANT Name: GREG POULSON (AGENT, MADISON HOMES)

Address: 6723 WHITTIER AVENUE SUITE 104 MCLEAN, VA 22101

PROPERTY OWNER Name: ALEXANDRIA MARKETPLACE, LLC

Address: 9521 FERRY HARBOR COURT ALEXANDRIA, VA 22309

PROPOSED USE: TEMPORARY NEW HOME CUSTOMER SERVICE OFFICE

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.

GREG POULSON / AGENT
Print Name of Applicant or Agent

[Signature]
Signature

6723 WHITTIER AVENUE, SUITE 104
Mailing/Street Address

703-506-9292 703-506-9294
Telephone # Fax #

MCLEAN, VA 22101
City and State Zip Code

11-12-03
Date

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

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

Special Use Permit # 2003-0109

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.

KAREN SCHNEIDERMAN - 50%. 4702 FOXHALL CRESCENT, WASH. DC 20007
ELLEN ROSENBERGER - 40%. 6800 TEPPER DRIVE, CLIFTON, VA 22024
RUSSELL ROSENBERGER - 10%. 6800 TEPPER DRIVE, CLIFTON, VA 22024

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)

THE REQUEST IS FOR THE CONTINUED USE OF THE
LOCATION FOR TWO CUSTOMER SERVICE PERSONNEL WHOSE
PRIMARY DUTIES ARE SERVICING THE ADJACENT OLD
TOWN CRESCENT NEIGHBORHOOD. THE FIRST YEAR OF
THE MADISON HOMES WARRANTY COVERS ITEMS THAT
THE CUSTOMER SERVICE PERSONNEL RESPOND TO
DIRECTLY, OR MANAGE THE APPROPRIATE SUBCONTRACTORS
TO RESOLVE. MADISON SENDS A REMINDER TO THE
OWNERS PRIOR TO THE END OF THE WARRANTY PERIOD
AND ALLOWS A 30-DAY RESPONSE PERIOD AFTER ITS
END. THE OFFICE PROVIDES SPACE FOR SCHEDULING
AND FILING PAPERWORK. PARKING FOR THREE
VEHICLES IS PROVIDED, ACESSED FROM BERNARD
STREET. NO MATERIALS ARE STORED OUTSIDE OF
THE OFFICE. THE LAST UNIT SETTLED IN DECEMBER
2002.

NARRATIVE DESCRIPTION

The request is for the continued use of the location for a customer service office. The office primarily serves the adjacent Old Town Crescent neighborhood.

Old Town Crescent is a 38 unit community that was occupied between March and December of 2002. Madison Homes solicits warranty requests twice during the first year of ownership. Once 30 days after settlement and again 30 days prior to the one year anniversary. Because the solicitation includes a form and a stamped return envelope the response rate is very high, near 100%. Madison also has a policy of allowing owners to respond up to 30 days after the one year anniversary.

Of the 38 units in the community, 29 of the units settled in a two month period between late October and December. Currently, these units are the daily focus of the customer service personnel.

A considerable amount of the work for the customer service personnel involved is scheduling. At a minimum, an appointment is made with the owner to review the warranty request, next arrangements for access to the unit are made and access is coordinated with the schedules of applicable subcontractors, finally an appointment is made to review the completed work.

Madison typically controls access to the unit during the day that work is scheduled. Subcontract workers must be supervised while in the unit, limiting how many units could be serviced in one day. Work that is not clearly the warranty responsibility of a subcontractor, or of such a minor nature that scheduling a third party takes more effort, is performed by the customer service personnel.

About half of the 29 units referenced above have turned in a list to date and 3/4 of those are complete. The completion rate has been relatively quick due in part to the convenient location of the office. We anticipate the turn around to slow down somewhat due the holidays. Many people either have guests or are traveling and access to units is reduced. Also, we expect the responses from the homeowners to be less prompt during the holiday time.

The warranty of the common area of the condominium at 828 Slater's Lane is also handled similarly to a homeowner with regard to non-structural items. While the trigger for that warranty period would technically start at 75% occupancy or November 2002, we anticipate the COA Board insist that the period start from their first meeting in January 2003.

Based on the conditions described above, we anticipate the majority of the customer service personnel's time to be spent at Old Town Crescent until mid-February 2004.

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: TIME EXTENSION OF PREVIOUS
SPECIAL USE PERMIT

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).

N/A

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

2 EMPLOYEES (see below)

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

Day:

Hours:

MONDAY - FRIDAY

700AM - 500PM

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

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

LOW NOISE LEVEL THROUGH WALL A/C ONLY.

B. How will the noise from patrons be controlled?

N/A

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

N/A

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?

N/A

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

N/A

C. How often will trash be collected?

N/A

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

N/A

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:

N/A

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:

PAINT, 1 GALLON PER MONTH, DISPOSE THROUGH USE

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

CONTAINERS CLEARLY LABELED

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?

1

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

3 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 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? 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?

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?

_____ sq. ft. (existing) + _____ sq. ft. (addition if any) = 160 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

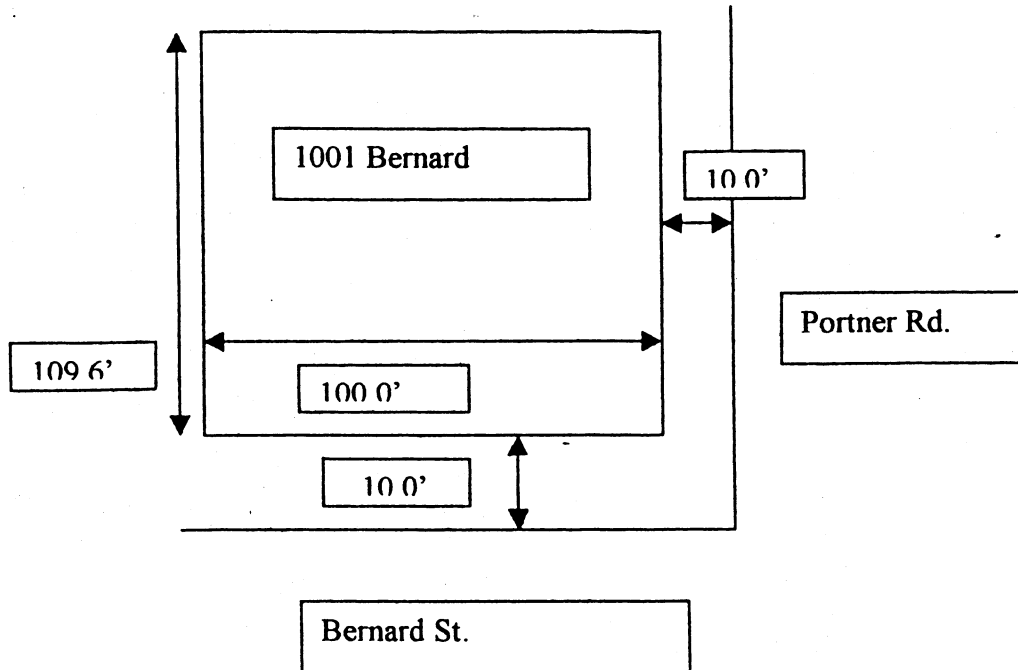
☐ a shopping center. Please provide name of the center: _____

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

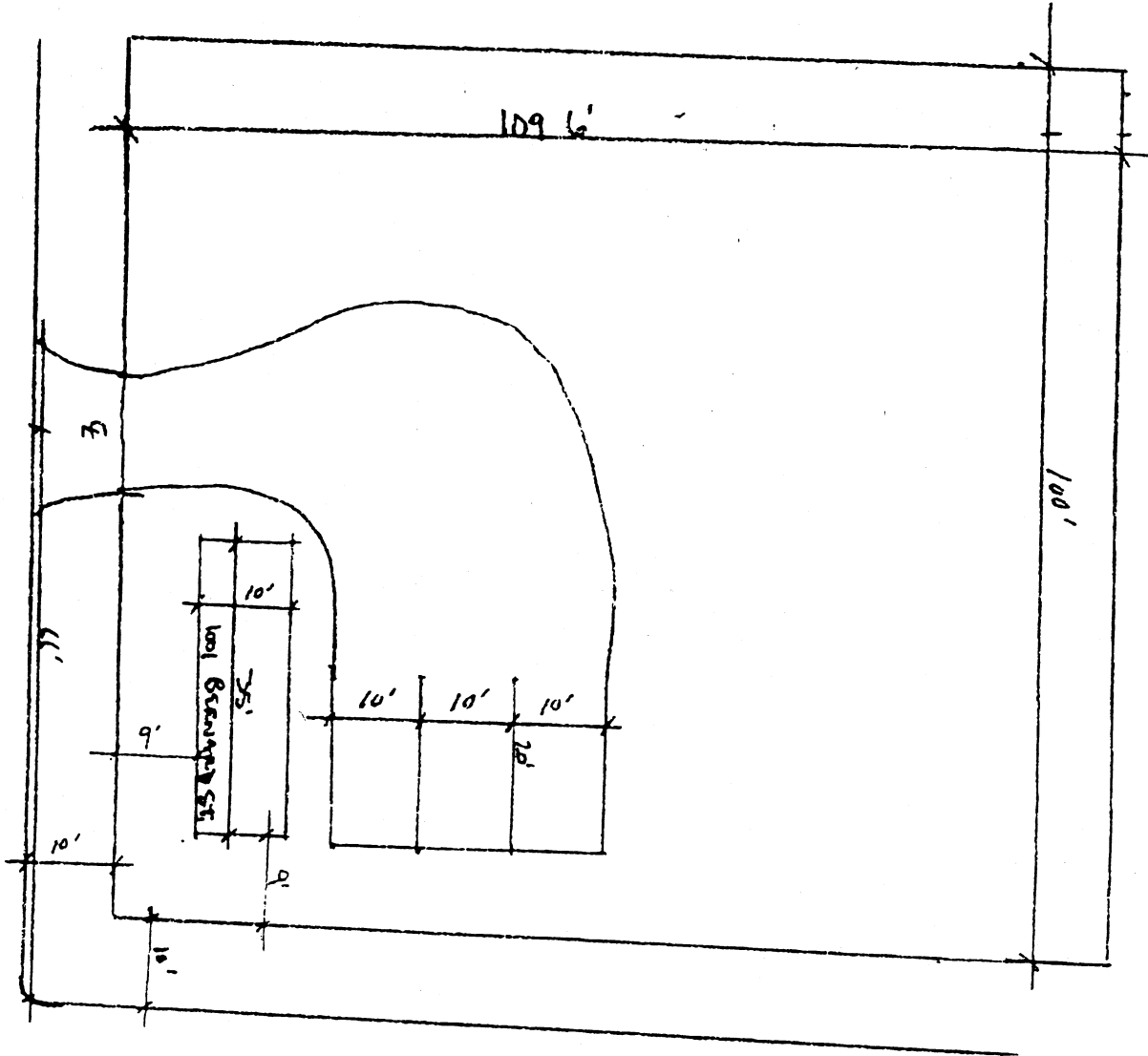
☒ other, please describe: MANUFACTURED OFFICE TRAILER

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The one hundred foot dimensions are the lot size and the 10 foot dimensions are from the lot line to the curb.



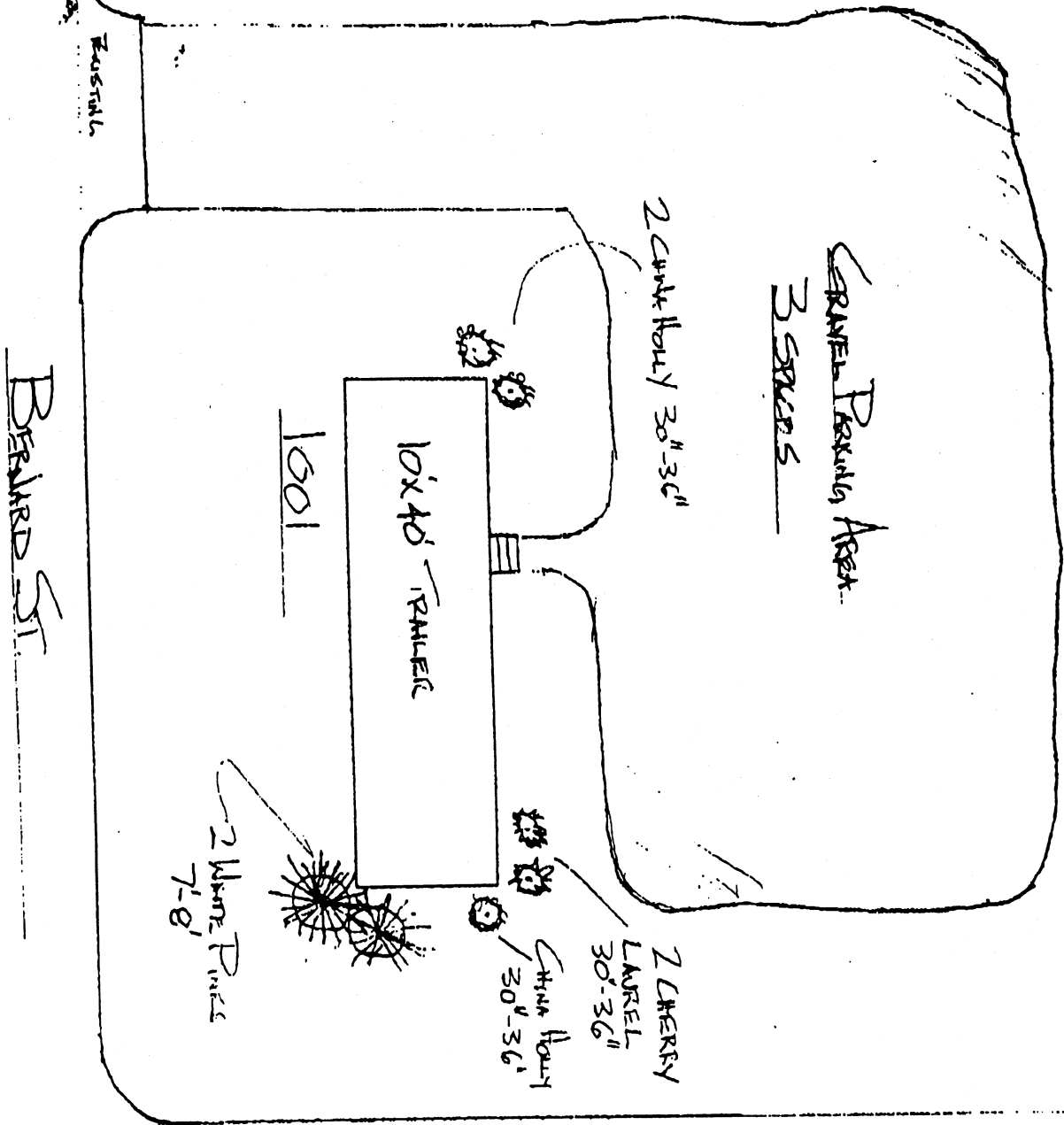
Penning Street



Partner Lane

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LANDSCAPE PLAN - PROPOSED



PARTNER RD