

DOCKET ITEM #3

EXHIBIT NO. 1

4
9-17-11

Special Use Permit #2011-0040

311 North Henry Street

Prime Auto Care- General Automobile Repair

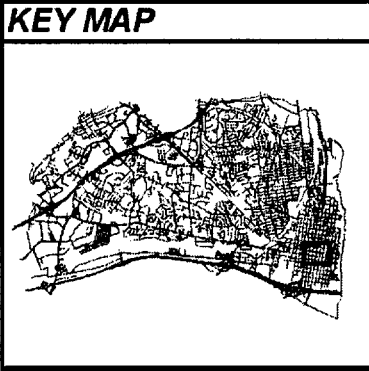
Application	General Data	
Consideration of a request to continue operation of a noncomplying general automobile repair business.	Planning Commission Hearing:	September 8, 2011
	City Council Hearing:	September 17, 2011
Address: 311 North Henry Street	Zone:	CL / Commercial Low
Applicant: Prime Auto Care Inc, by Robert Byrnes, agent	Small Area Plan:	Braddock Road Metro

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, SEPTEMBER 8, 2011 : 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.



	SUP#2011-0040	9/8/2011	
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I. DISCUSSION

The applicant, Prime Auto Care, Inc. by Robert Byrnes, agent, requests Special Use Permit approval to continue operation of a noncomplying general automobile repair business at 311 North Henry Street.

SITE DESCRIPTION

The subject property consists of five lots of record with 104.5 feet of frontage on North Henry Street, 116 feet of depth and a total lot area of 12,122 square feet. The site is developed with a two-story, 3,912 square-foot building.

The surrounding land uses include residential townhouses to the east and west and a mix of commercial and residential uses to the north and south along North Henry Street. A public alley borders the site on the south.



BACKGROUND

An automotive rental business was first approved at the subject site in 1985. A five-year expiration date was first included in 1990 when City Council approved SUP#1778B to change the business to general automobile repair. The subject property was rezoned in 1992 and the existing general automobile repair became a noncomplying use. City Council approved five year extensions for the business on four occasions, the most recent of which occurred in December 2006 (SUP#2006-0089).

On July 18, 2011 staff inspected the premises and found one minor violation of the condition of SUP#2006-0089 regarding the storage of vehicle tires outside of a proper receptacle, which the applicant promptly corrected.

PROPOSAL

The applicant proposes to continue operating his general automobile repair business for an additional five years. The business offers vehicle tune-ups, transmission work, and other repairs to approximately five to ten customers each day in a total of five repair bays. Additional elements of the applicant's business are as follows:

Hours of Operation: 7:30am – 7:00pm, Monday-Friday
 9:00am – 5:00pm Saturdays

<u>Number of Employees:</u>	Four
<u>Number of Customers:</u>	Approximately five to ten each day
<u>Noise:</u>	Low noise levels are expected. Compressor unit has been boxed to reduce noise potential.
<u>Odors:</u>	No odors are anticipated
<u>Trash/Recycling:</u>	Boxes, hoses, small parts and paper products are disposed in on-site dumpster and is collected once each week. Used antifreeze and motor oil is collected and recycled once each month.

PARKING

According to Section 8-200(A)(17) of the Zoning Ordinance, a general auto repair use requires one parking space for every 400 square feet. A 3,912 square-foot general auto repair use will be required to provide 10 off-street parking spaces. The applicant exceeds this parking requirement with 19 parking spaces on the property.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL zone, having been rezoned from I-1 / Industrial in 1992. The business is a noncomplying use since automobile repair uses are not allowed in the CL zone.

The existing use is not consistent with the Braddock Road Small Area Plan chapter of the Master Plan which designates the property for Commercial Low uses.

II. STAFF ANALYSIS

Staff does not object to a five-year extension of the applicant's Special Use Permit to allow for the continuation of the general automobile repair business. The site is in good condition generally and the business has operated without any complaints since prior SUP approval. The business has the appearance of being a single-family dwelling from the street, which enhances its compatibility in the neighborhood despite being a noncomplying use.

Redevelopment of this site in a manner consistent with the Braddock Road Metro Station Small Area Plan has been anticipated for many years and is the reason for the inclusion of an expiration date in prior SUP approvals. Staff finds that this redevelopment is likely to occur at some point in the future, especially now that the Braddock Metro Neighborhood Plan is complete. Given the current economic climate, however, redevelopment seems unlikely in the next five years. Staff is therefore recommending the continued operation of the business but with another five-year expiration date so that the site's redevelopment potential may be reassessed at that time.

Staff's approach here is consistent with the City Council's inclusion of a five-year expiration date in an SUP for a light automobile repair business on Madison Street near Route 1 approved about a year ago.

Staff has included minor changes to existing condition language and new standard condition language requiring the applicant to pick-up litter at and around the site and to schedule a security survey with the Police Department. Subject to the conditions included in Section III of this report, staff recommends approval of the applicant's request.

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. (SUP#1778-G)(P&Z)
2. **CONDITION AMENDED BY STAFF:** ~~No repair work shall be done outside on the subject property. premises shall be restricted to inside the building. All repairs of motor vehicles at the site shall be conducted inside a building or structure.~~ (T&ES) (SUP#1778-G)
3. The hours of operation of the garage shall be limited to 7:30AM to 7:00PM Monday thru Friday, and 9:00AM to 5:00PM Saturday, as requested by the applicant. (SUP#2001-0107)(P&Z)(PC)
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 shall not be discharged into the sanitary or storm sewers, or be discharged onto the ground. (SUP#2001-0107)(T&ES)
5. **CONDITION AMENDED BY STAFF:** 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 on 703-519-3400, extension 166~~ Office of Environmental Quality at 703-746-4065 or at <http://alexandriava.gov/Environment> under Forms and Publications. (SUP#2001-0107)(T&ES)
6. No junked, abandoned, or striped vehicles shall be parked or stored inside. (SUP#1778-G) (T&ES)
7. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure. (SUP#1778-G) (T&ES)

8. No vehicles shall be displayed, parked, or stored on a public right-of-way. (SUP#1778-G)(T&ES)
9. No amplified sound or mechanical equipment noise shall be audible at the property line. All loudspeakers shall be prohibited from the exterior of the building. (T&ES)(SUP#1778-G)
10. The parking lot shall be chained off when the business is closed. (SUP#1778-G)(P&Z)
11. Vehicle access shall be only from North Henry Street. (SUP#1778-G)(P&Z)
12. Condition deleted by staff. (P&Z)
13. The applicant shall maintain landscaping and screening of the parking area, which shall include a 3.00 foot tall open picket fence with evergreen shrubbery at the southwest corner of the site. (SUP2001-0107)(P&Z)
14. **CONDITION AMENDED BY STAFF:** The Special Use Permit shall expire ~~in five years, on December 1, 2011~~ five years from City Council approval. (P&Z) (SUP#2006-0089)
15. The applicant shall maintain the existing six foot wooden fence that surrounds the majority of the lot with a new fence similar in material, height, and placement. (P&Z) (SUP#2006-0089)
16. 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. (SUP2001-0107)(PC)
17. All vehicles on the lot shall be stored in a neat and orderly manner. (SUP2001-0107) (P&Z)
18. **CONDITION AMENDED BY STAFF:** Loading and unloading of vehicles, if any, shall take place on-site and during hours of operation. (~~SUP2001-0107~~)(P&Z) (T&ES)
19. Condition deleted by staff. (P&Z)
20. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit ~~after it has been operational for 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 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) (~~SUP#2006-0089~~)

21. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work to park off-street and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (~~SUP#2006-00089~~) (P&Z) (T&ES)
22. 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) (~~SUP#2006-0089~~)
23. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
24. **CONDITION ADDED BY STAFF:** 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 and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
25. **CONDITION ADDED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees. (Police)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, 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 **Added by Staff:** 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 and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-2 **Amended by Staff:** ~~NO repair work shall be done outside on the subject property. premises shall be restricted to inside the building.~~ **All repairs of motor vehicles at the site shall be conducted inside a building or structure.** (SUP#2006-00089) (T&ES)
- R-3 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 shall not be discharged into the sanitary or storm sewers, or be discharged onto the ground. (SUP#2006-00089)(T&ES)
- R-4 **Amended by Staff:** 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 on 703-519-3400, extension 166~~ **Office of Environmental Quality at 703-746-4065 or at <http://alexandriava.gov/Environmnet> under Forms and Publications.** (SUP#2006-00089)(T&ES)
- R-5 No junked, abandoned, or striped vehicles shall be parked or stored inside. (SUP#2006-00089) (T&ES)
- R-6 No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure. (SUP#2006-00089)(T&ES)
- R-7 No vehicles shall be displayed, parked, or stored on a public right-of-way. (SUP#2006-00089) (T&ES)
- R-8 No amplified sound or mechanical equipment noise shall be audible at the property line. All loudspeakers shall be prohibited from the exterior of the building. (SUP#2006-00089) (T&ES)
- R-9 Vehicle access shall be only ~~from~~ **from** North Henry Street. (SUP#2006-00089)(P&Z)
- R-10 Loading and unloading of vehicles, if any, shall take place on-site and during hours of operation. (SUP#2006-00089)(P&Z/T&ES)
- R-11 **Amended by Staff:** The applicant shall require its employees who drive to work to park off-street **and/or provide employees who use mass transit with subsidized bus and**

rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (SUP#2006-00089)(P&Z/T&ES)

R-12 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)

C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

C-2 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. (T&ES)

Code Enforcement:

F-1 No Comment

Health:

F-1 No Comment

Parks and Recreation:

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.

R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery readiness program for all employees.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2011-0040

PROPERTY LOCATION: 311 N. HENRY STREET

TAX MAP REFERENCE: 64.01 - 14 - 17C **ZONE:** CL

APPLICANT:

Name: PRIME AUTO CARE, INC.

Address: 311 N. HENRY STREET, ALEXANDRIA, VA 22314

PROPOSED USE: GENERAL AUTO REPAIR SHOP

[] **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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[] **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.

ROBERT C. BYRNES

Print Name of Applicant or Agent

Robert Byrnes 6/7/2011

Signature

Date

25 W. MYRTLE ST.

Mailing/Street Address

703-683-1011 703-683-1011

Telephone #

Fax #

ALEXANDRIA, VA 22301

City and State

Zip Code

RCBYRNES@VERIZON.NET

Email address

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. VANNA SO	328 N. HENRY ST. ALEXANDRIA, VA 22314	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 34 N. HENRY ST. (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Arthur Meushaw	25 S. DUNE ST. ALEX VA 22314	50
2. Carey Meushaw	SAME	50
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
NONE		
1. VANNA SO	NONE	
2. ARTHUR MEUSHAW	NONE	
3. CAREY MEUSHAW	NONE	

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

6/17/11
Date

ROBERT C. BYRNES
Printed Name

Robert Byrne
Signature

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 311 N. HENRY STREET, ALEXANDRIA, VA hereby
(Property Address)
grant the applicant authorization to apply for the GENERAL AUTO REPAIR SHOP use as
(use)
described in this application.

Name: Arthur Moushaw

Phone 703 930-5274

Please Print

Address: 25 S. Dove St. Alex
22314

Email: acmoushaw@gmail.com

Signature: [Handwritten Signature]

Date: 6-17-11

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):

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 or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

APPLICANT - PRIME AUTO CARE, INC.

OWNER - STANDARD FLOORS INC.

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.

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. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

PRIME AUTO CARE INC. IS A GENERAL AUTOMOTIVE REPAIR BUSINESS
WHOSE WORK INCLUDES TUNE UPS, TRANSMISSION REPAIR, MINOR
REPAIRS AND MAINTENANCE. THE HOURS OF OPERATION ARE FROM
7:30 AM TO 7:00 PM. THERE ARE FOUR FULL TIME EMPLOYEES AND
BETWEEN FIVE AND TEN CUSTOMERS PER DAY. THE TOOLS AND
EQUIPMENT USED FOR REPAIRS ARE NOT DISRUPTIVE TO THE
ADJACENT NEIGHBORS. AN EXISTING SIX FOOT HIGH FENCE
LINES THE EAST, NORTH AND SOUTH PROPERTY LINES TO SCREEN
THE SITE FROM ADJACENT PROPERTIES. SINCE THE PROPERTY IS
LOCATED ON NORTH HENRY STREET, TRAFFIC NOISE MASKS ANY
NOISE FROM THE SHOP.

THE PROPERTY HAS BEEN USED AS AN AUTO REPAIR
SHOP FOR SIXTEEN YEARS WITHOUT NEIGHBORHOOD COMPLAINTS.
PRIME AUTO CARE INC. IS REQUESTING AN EXTENSION OF
ITS SPECIAL USE PERMIT FOR AN ADDITIONAL FIVE YEARS

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):

- a new use requiring a 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: AN EXTENSION OF AN EXISTING 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).

WE EXPECT BETWEEN 5 AND 10 CUSTOMERS BETWEEN THE HOURS OF 7:30 AM AND 7:00 PM.

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

THERE WILL BE 4 EMPLOYEES DAILY BETWEEN THE HOURS OF 7:30 AM AND 7:00 PM

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

Day:

Hours:

MONDAY THRU FRIDAY

7:30 AM TO 7:00 PM

SATURDAY

9:00 AM TO 5:00 PM

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

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

THE NOISE LEVELS ARE LOW. THE LOUDEST EQUIPMENT IS THE COMPRESSOR AND IS BOXED IN FOR NOISE REDUCTION

B. How will the noise 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? (i.e. office paper, food wrappers)
BOXES, HOSES, SMALL USED PARTS AND VARIOUS PAPER PRODUCTS.

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)
A THREE CUBIC YARD TRASH BIN IS LOCATED ON THE PROPERTY.

C. How often will trash be collected?
ONCE A WEEK

D. How will you prevent littering on the property, streets and nearby properties?
THERE IS A FENCE THAT ENCLOSES THREE SIDES OF THE PROPERTY

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:

ALL BRANDS OF ANTIFREEZE AND MOTOR OIL WILL BE STORED FOR RECYCLING AND PICKED UP MONTHLY BY A CONTRACTOR. APPROXIMATE QUANTITIES ARE 30 GALLONS OF ANTIFREEZE AND 100 GALLONS OF OIL PER MONTH.

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:

A 40 GALLON BARREL OF DYNA CLEANER WILL BE USED TO
WASH HANDS, FACES ETC. THE CLEANER IS ENVIRONMENTALLY
SAFE AND WILL BE PUT INTO THE SANITARY SEWAGE SYSTEM.

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

THE SITE IS WELL LIT AND WE RELY ON THE POLICE
DEPARTMENT

ALCOHOL SALES

13.

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.
