

DOCKET ITEM #4

EXHIBIT NO. 15
9-17-11

Special Use Permit #2011-0041
417 & 419 Clifford Avenue
Plaza Izalco – Wholesale Business

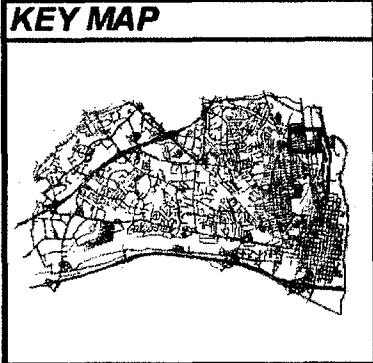
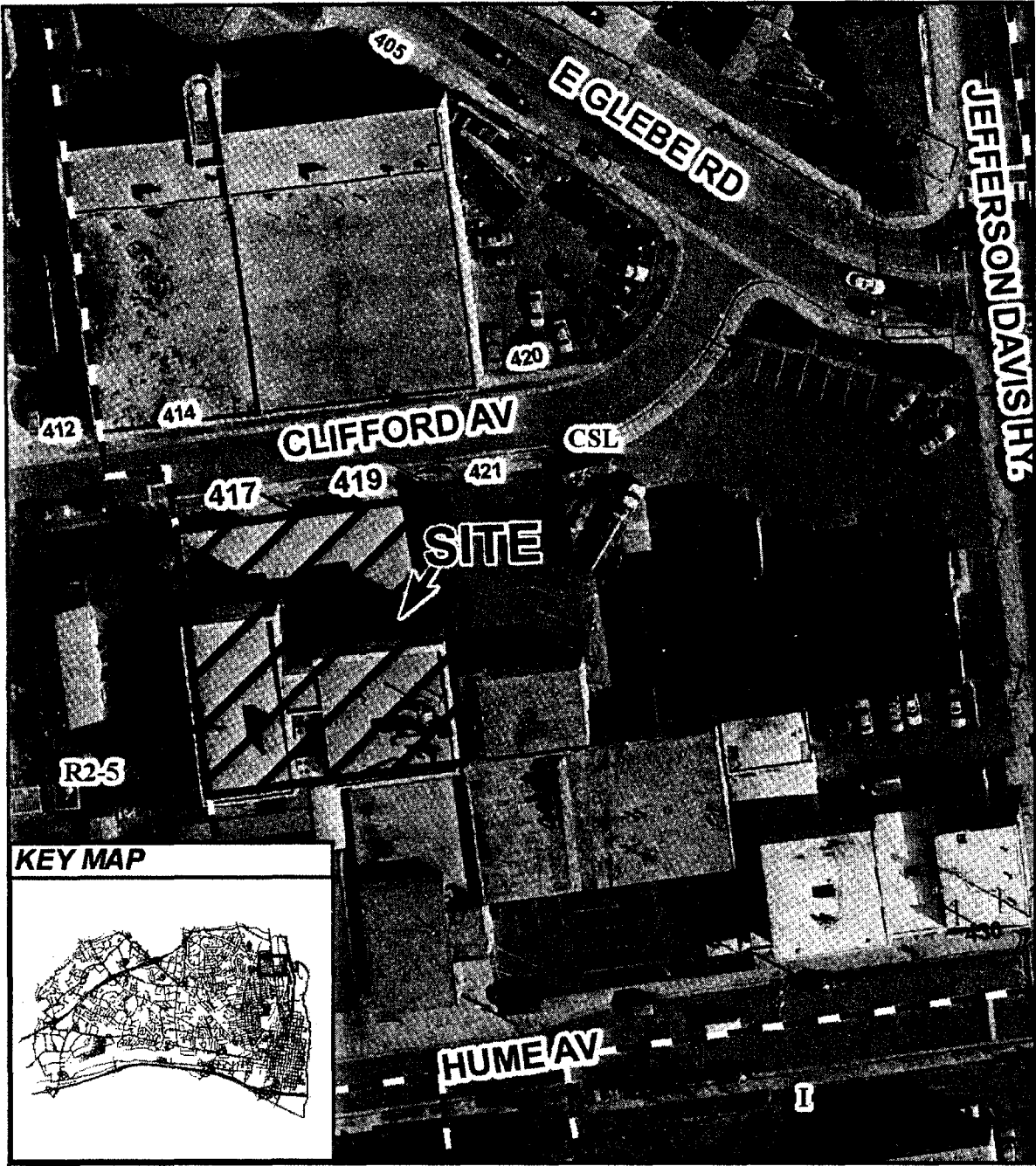
Application	General Data	
Consideration of a request to operate a wholesale business.	Planning Commission Hearing:	September 8, 2011
	City Council Hearing:	September 17, 2011
Address: 417 & 419 Clifford Avenue	Zone:	CSL/Commercial Service Low
Applicant: Plaza Izalco, Inc. by Duncan Blair, attorney	Small Area Plan:	Potomac West

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#2011-0041

9/8/2011

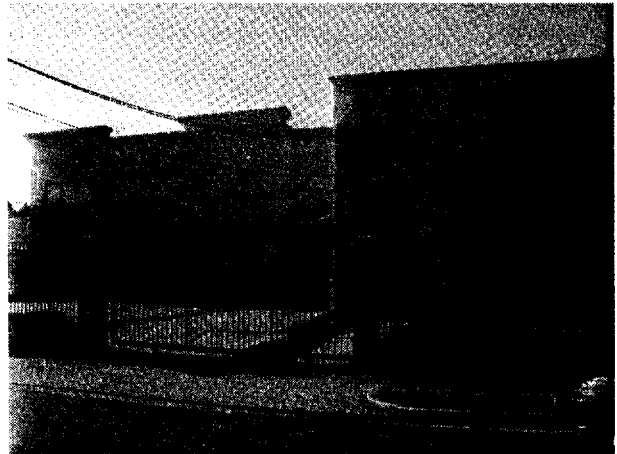


I. DISCUSSION

The applicant, Plaza Izalco, Inc. by attorney Duncan Blair, requests Special Use Permit approval to operate a wholesale business at 417 and 419 Clifford Avenue.

SITE DESCRIPTION

The subject site is a 7,700 square-foot, two-story industrial/warehouse building near the corner of Clifford Avenue, East Glebe Road, and Jefferson Davis Highway (Route 1). The building is located on two lots of record with a combined lot area of 10,500 square feet.



The surrounding area is comprised of a mix of industrial and residential uses. A tile contracting office and warehouse space are located to the north. AZ Printing & Duplicating and an automobile repair shop are located to the east. Two automobile repair businesses, one of which is vacant, are located to the south. One and two-family residential dwellings are located to the west.

BACKGROUND

Automobile repair businesses have operated on this site for many decades. The most recent tenant, from 2002 until approximately 2009, was a second location for Wagonworks Collision that had been allowed to operate as a grandfathered use without the need for a Special Use Permit based on a December 2001 Director's determination. That decision was appealed to the Board of Zoning Appeals by the neighboring Mount Jefferson Civic Association in March 2002 and upheld (BZA#2002-0009).

Staff recorded several complaints about automobile repair uses on the site over the years, particularly in 1996-1997 and in 2002, all prior to Wagonworks.

PROPOSAL

The applicant proposes to relocate its existing wholesale business to this location. Under the proposal, health and beauty supplies will be stored at the site after being purchased from manufacturers and before being distributed to retail outlets in the greater Washington area. In some cases the applicant will import and export these products directly as well. No retail sales will occur at this site. Additional elements of the proposal are as follows:

Hours of Operation: 9:00am – 9:00pm, Monday-Friday

Number of Employees: 11 full and part-time employees

- Number of Customers/Visitors: Product sales representatives will visit the facility on an occasional basis
- Noise: Noise levels are not anticipated to exceed code requirements
- Odors: No offensive odors are anticipated from the use
- Trash/Recyclables: Trash and recyclables will consist primarily of cardboard delivery boxes and will be stored in the dumpster on-site for collection once each week.
- Deliveries: One to three deliveries of products are expected each day, typically between the hours of 10:00am and 4:00pm Monday-Friday using medium-sized box trucks.

PARKING

According to Section 8-200(A)(19) of the Zoning Ordinance, a building used for long-term storage is required to provide one off-street parking for each 400 square feet of office area and one parking space for each 3,000 square feet of remaining floor area, plus one off-street loading space for each 20,000 square feet of floor area. The use, in a building with 2,000 square feet of office space and 5,700 square feet of remaining space, is required to provide seven parking spaces and one loading space. The applicant exceeds this parking requirement by providing 14 parking spaces on the site, a portion of which are tandem spaces, plus one loading space for delivery vehicles.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CSL / Commercial Service Low zone. Section 4-303(CC) of the Zoning Ordinance allows a wholesale business in the CSL zone only with a Special Use Permit.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for service-related commercial uses.

II. STAFF ANALYSIS

Staff does not object to the applicant's proposal to operate a wholesale business. Although has recorded complaints over the years regarding a prior automobile repair business, staff believes that the current proposal is a low-intensity use that is appropriate for this transitional area between the more intense commercial and industrial uses along Route 1 and the one- and two-family residences located immediately to the west of this site. The property is also in good condition, having been extensively renovated by the prior tenant approximately eight years ago.

The proposed business would essentially function as a small storage facility, presenting a minimal potential for neighborhood impacts particularly when compared to the automobile repair uses that occupied the site for decades. No substantial odors or noises are anticipated in connection with this facility, and the potential for litter problems is also very small. There will be deliveries and loading and unloading of materials but the applicant will be conducting all such activities on-site and during daytime business hours and staff has included condition language (Condition #4) prohibiting any loading/unloading activities from occurring in the public right of way. Staff further notes that the applicant has sufficient area for loading/unloading activities and that the proposal exceeds the minimum parking requirement and includes enough parking spaces for all employees.

This proposal represents an expansion of the applicant's existing business, which is currently located in a much smaller facility on Colvin Street. Staff supports the application because it constitutes a good land use at this transitional location and because it allows a successful Alexandria business to grown and remain in Alexandria.

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit 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. (P&Z)
2. 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)
3. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)

4. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am and shall not occur in the public right of way at any time. (P&Z) (T&ES)
5. All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
6. 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)
7. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
8. The applicant shall require its employees who drive to use off-street parking 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. (T&ES)
9. 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)
10. 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)
11. The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, 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)

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 All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
- R-2 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)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 The applicant shall require its employees who drive to use off-street parking 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. (T&ES)
- R-6 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)
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-2 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). 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)

Code Enforcement:

- C-1 The proposed use is a change in use group classification; a new Certificate of Occupancy is required to be issued prior to any occupancy of the building or any portion thereof (USBC 116.1).
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Architectural quality drawings shall accompany the permit application. These plans shall show existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 The application for this SUP includes two parcels of land and one building. The building crosses the lot line between parcels. There is no fire wall separating the building(s). A fire wall/party wall complying with Sec.706 of the USBC is required. Alternatively, in order to meet the requirement either: 1) the lot lines can be extinguished and consolidated into one parcel or 2) an easement can be drawn and recorded with the City of Alexandria as a third party signatory stating should one of the parcels be sold this wall will then be constructed at that time.
- C-4 The building must conform to USBC Chapter 11 for handicapped accessibility.
- C-5 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

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 for SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2011-0041

PROPERTY LOCATION: 417-419 Clifford Avenue, Alexandria, Virginia

TAX MAP REFERENCE: 025.01 02 17 ZONED: CSL

APPLICANT Name: Plaza Izalco, Inc., a Virginia corporation
5608 Tower Hill Drive, Alexandria, VA 22315

PROPERTY OWNER Name: Juan Ventura and Maria I. Ventura
5608 Tower Hill Drive, Alexandria, VA 22315

PROPOSED USE: Special Use Permit to operate a wholesale business.

[X] 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.

[X] 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.

[X] 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.

[X] 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 Commission 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.

Land, Clark, Carroll, Mendelson & Blair, P.C.
Duncan W. Blair, Esquire

Handwritten signature of Duncan W. Blair

Print Name of Applicant or Agent

Signature

524 King Street

(703) 836-1000

(703) 549-3335

Mailing/Street Address

Telephone #

Fax #

dclair@landclark.com

Alexandria, Virginia 22314

June 21, 2011

City and State Zip Code

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____ DATE: _____

SUP 2011-00411

Property Owner's Authorization

On behalf of property owner of **417-419 Clifford Avenue**, I hereby grant the applicant authorization to apply for the **Special Use Permit to operate a wholesale business** as described in this application.

By: _____

Juan Ventura

Date: **June 21, 2011**

Address: 5608 Tower Hill Drive
Alexandria, VA 22315

Phone: **703 655-7550**

E-mail: _____

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. Juan Ventura	417 Clifford Avenue Alexandria, VA 22315	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 417-419 Clifford Avenue, 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. Juan Ventura	417 Clifford Avenue Alexandria, VA 22315	100%
2. Maria I. Ventura	417 Clifford Avenue Alexandria, VA 22315	100%
3.		

3. Business or Financial Relationship. 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.)
1. Juan Ventura	None	Planning Commission, City Council,
2. Maria I. Ventura	None	Planning Commission, City Council
3.		

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.

June 21, 2011
Date

Juan Ventura
Printed Name



Signature

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*)

The Owner

Contract Purchaser of the building

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.

Plaza Izalco, Inc. is a Virginia corporation. The individuals owning an interest on Plaza Izalco, Inc. in excess of ten (10%) are Juan Ventura and Maria I. Ventura address for mailing purposes is 5608 Tower Hill Drive, Alexandria, Virginia 22315.

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, 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)

Plaza Izalco, Inc., a Virginia corporation, is an expanding small wholesale business owned and operated by the Ventura family that imports, exports and distributes health and beauty supplies to retail outlets in the District of Columbia, Maryland and Virginia areas. Plaza Izalco, Inc., wholesale business is currently located at 3007 Colvin Street. The Ventura family have owned and operated businesses in Alexandria since 1996.

If the Special Use Permit is granted, Plaza Izalco, Inc. will relocate its operations to 417-419 Clifford Avenue. The Clifford Avenue facility will be used and occupied as the principal office of Plaza Izalco, Inc., short term storage of product and distribution of product to retail outlets and other vendors. Plaza Izalco, Inc., will employ on a full or part time eleven (11) employees, of those eleven (11) employees, three (3) are sales personnel who are on the road ninety (90%) percent of the time making sales making sales. Orders are sent electronically to the office where the orders are prepared for delivery by two (2) delivery men who are on the road about ninety (90%) to ninety-five (95%) of the time. Deliveries are currently made by the delivery staff in personal vehicles. The remaining six (6) employees are in the warehouse receiving and processing orders, ordering inventory, fixing merchandise and making orders to be sent out. Most orders assembled by hand and boxed to be shipped out by UPS, Federal Express, our own delivery team or freight.

USE CHARACTERISTICS

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

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____ .

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

Plaza Izalco, Inc. is a wholesale business with all sales made offsite by its sales staff. It is not anticipated that people, other the occasional sales representatives of products sold by Plaza Izalco, Inc, will visit the wholesale facility.

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

Approximately eleven (11) individuals will be employed by Plaza Izalco, Inc. on a full or part time basis. The anticipated maximum number of employees on site at any one time is eleven (11).

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

Day:

Hours:

Monday – Friday

9:00 a.m. – 9:00 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.

It is not anticipated that noise levels will exceed permitted levels under the Alexandria City Code.

B. How will the noise from patrons be controlled?

It is not anticipated that patron noise will be a source of complaints; as such, no extraordinary noise mitigation and control measures are warranted.

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

It is not anticipated that offensive odors will emanate from the use of the property.

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 space, food wrappers)

The type of volume of trash and garbage generated by the wholesale business will be mainly refuse from products received (i.e. cardboard delivery boxes) and from general and recyclables. Trash and garbage will be deposited and stored in the commercial dumpster.

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

The wholesale business will generate approximately one (1) dumpster per week.

C. How often will trash be collected?

Trash and garbage will be collected by a commercial collector once a week.

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

Litter is not an anticipated problem.

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:

Small quantities of materials defined as hazardous, generally recognized to be appropriate for use by wholesale businesses in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable 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:

Small quantities of organic compounds, generally recognized to be appropriate for use by wholesale businesses in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

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

The location and the proposed hours of operations of the wholesale business should provide a safe environment for its patrons and staff. It is not anticipated that extraordinary security measures will be required.

ALCOHOL SALES

13. 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.