

EXHIBIT NO. 1

13
10-19-02

Docket Item # 19
SPECIAL USE PERMIT #2002-0086

Planning Commission Meeting
October 1, 2002

ISSUE: Consideration of a request for a special use permit to operate a tire and rim mounting business (intensification of noncomplying use).

APPLICANT: Jules K. Mahi

LOCATION: 1108 Queen Street

ZONE: CD/Commercial Downtown

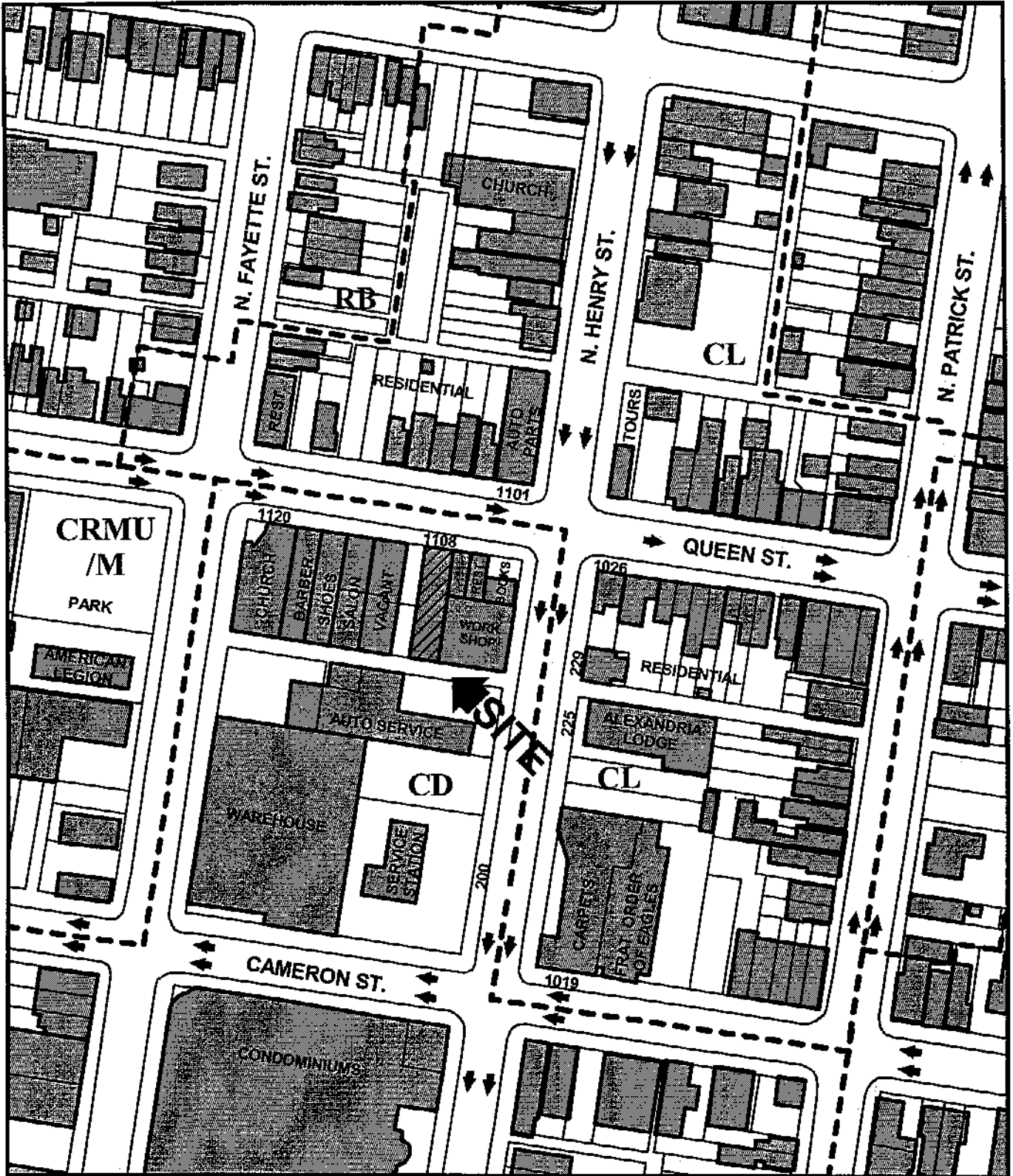
PLANNING COMMISSION ACTION, OCTOBER 1, 2002: On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

The applicant spoke and agreed with all of staff's conditions.

There were no other speakers on this case.



SUP #2002-0086

10/01/02



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)
2. Repair work done on the premises shall be limited to tire and rim mounting and tire repair. (P&Z)
3. All repair work shall be conducted inside of the business. Specifically, tires and rims shall not be removed from or mounted on a vehicle outside of the business, nor shall any tire repair be conducted outside of the business. (P&Z)
4. No junked, abandoned, or stripped vehicles shall be parked or stored outside. (P&Z)
5. No vehicles associated with the business including customer vehicles waiting for service or pick up, shall be parked or stored on a public right-of-way or on the adjacent private alleys, except in those two parking spaces next to the building and the alley to the west. (P&Z)
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. (P&Z)
7. The hours of operation shall be limited to 9:00 a.m. to 6:00 p.m. Monday through Friday, 10:00 a.m. to 4:00 p.m. Saturday, and closed on Sunday. (P&Z)
8. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
9. 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 & Environmental Services. (T&ES)
10. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)

11. 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)
12. 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. (T&ES)
13. No material shall be disposed of by venting into the atmosphere. (T&ES)
14. The applicant shall repair the driveway apron and sidewalk to the satisfaction Director of Transportation and Environmental Services. (T&ES)
15. This special use permit shall be reviewed five years from the date of approval by City Council or in October 2007. (P&Z)
16. 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)

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.

DISCUSSION:

1. The applicant, Jules K. Mahi, requests special use permit approval for the operation of a tire mounting operation located at 1108 Queen Street.
2. The subject property is one L-shaped lot of record with 28 feet of frontage on Queen Street, 60 feet of frontage on North Henry Street, and a total lot area of 6,356 square feet. Two alleys border the property, one is to the south and the other is to the west. The site is developed with a single-story brick building with frontage on both North Henry and Queen Streets. The original portion of the building is located on North Henry Street. Two building additions expanded the business to create the L-shaped building that exists today (Site Plan #62-038, Site Plan #64-002).

The surrounding area has a wide mix of uses including auto repair, residential, and commercial uses. Bradham Auto Service occupies the property directly to the south across the alley. The south side of Queen Street in the 1100 block has a mix of commercial uses including a carry-out restaurant and a barber shop. There is a church on the corner of Queen and North Fayette Streets. On the north side of Queen Street in the 1100 block are mostly residential uses.

3. The applicant seeks permission to conduct tire and rim mounting on automobiles in conjunction with his tire and rim retail business. The retail portion of the business is a permitted use and will occupy the front of the building facing Queen Street. The applicant describes the tire mounting portion of the business as small in nature with only five to ten customers a day. There will be no vehicles stored overnight. The tire mounting area will be inside the building where there is space enough for two vehicles. The building does not have bays or hydraulic lifts, and the applicant does not intend to install them. The applicant proposes to use tire jacks to raise the vehicle to install the rims or tires. There will only be one employee to manage both the retail and mounting aspects of the tire and rim business.
4. The proposed tire mounting area consists of 2800 square feet inside the building at the southwest corner of the property. The tire mounting area does not have vehicular access directly from the street, but is accessed from the alley on the south side of the building. Two parking spaces for employee and customer use are located along the alley west of the building.
5. The business most recently occupying the site was a family-owned and operated machining business, which offered the manufacturing, repair, and sales of auto parts. The business operated continuously since 1955 when the current property owner's father was granted Special Use Permit #206 for a motor vehicle repair shop, which encompassed both auto part fabrication and vehicle repair.

Over the years, the business ceased to offer on-site vehicle repair, but continued to operate under the original SUP by continuing to fabricate and repair auto parts. In 1992, the zoning of the property changed from C-3/Commercial office to CD/Commercial downtown, which does not permit auto machining and repair. Because the previous business was legally operating under a special use permit prior to June 24, 1992, but is now not in compliance with the zoning regulations adopted on that date, the business is a noncomplying use.

The applicant is a new tenant to a portion of the building and proposes to reintroduce on-site vehicle repair. Since the prior business ceased to conduct on-site vehicle repair and was only offering auto part fabrication as permitted by the original SUP, the proposed use intensifies the prior noncomplying use which, according to section 12-302 (A) of the zoning ordinance, requires a special use permit.

6. According to Section 8-300 (B) of the zoning ordinance, certain uses, including auto repair, within the central business district are not subject to parking requirements. In this case, the subject property is in the central business district and is therefore not subject to a parking requirement. However, the applicant is able to provide two off-street parking spaces west of the business along the alley. In addition, there will be two spaces located inside the building for mounting the tires. The interior space is accessed from the rear alley.
7. The applicant anticipates a minimum level of noise from the existing air compressor, however, it will be contained inside the building. The applicant does not anticipate any odors to be generated by the business.
8. Trash will consist of used tires. The old tires will be collected from the site daily. Potential litter on the site will be monitored by the applicant.
9. In terms of deliveries, tires will be unloaded inside the building once a week between 6:00 a.m. and 7:00 a.m.
10. Zoning/Master Plan: The subject property is located in the CD/Commercial downtown zone and the Braddock Road Metro Station area of the Master Plan.

STAFF ANALYSIS:

Staff does not object to the proposed tire mounting operation at 1108 Queen Street, although it does have some concerns. Specifically, staff notes that there are residential uses across the street and in the area generally and auto repair is typically not compatible with residential because of its attendant noise, disarray, and vehicular activity. However, the proposed operation as described by the applicant is very small offering only one type of service, and staff does not anticipate that it will generate the level of traffic, parking, noise and other negative impacts normally associated with a

full service auto repair shop. Additionally, the applicant is not proposing to invest in bays or hydraulic lifts that would lead staff to believe that the business was going to be more intense than what he has described. Additionally, vehicular access to the tire mounting area is off the street, reducing any potential for cars to be parked or stacked along the street and essentially screening most of the operation of the use. Further, even though parking is not required, the applicant is proposing four spaces which appears to be reasonable for the amount of business that the applicant is proposing to conduct at the location.

Staff would prefer a more pedestrian friendly business at this location to comply with the existing zoning, to provide a more neighborhood serving establishment, and to contribute to revitalizing the older industrial sites in the area. However, staff is not aware of any plans to redevelop any of these sites in the immediate future, and believes that it would be unfair to ask the business owner of such a small establishment to initiate a precedent. The block, bounded by North Henry, Queen, North Fayette, and Cameron Streets, still has long established commercial and industrial uses such as Bradham's auto repair, the Hopkins Furniture warehouse, and other commercial and auto-oriented uses.

Therefore, staff is recommending approval of the proposed use, but is requiring that it remain limited to the tire and rim mounting business that the applicant has described. Staff has included the standard conditions for auto repair including no outdoor repairs and no accumulation of auto parts outside. The conditions include limits on the hours of operation and a prohibition on Sunday hours, which the applicant has agreed to. Additionally, staff has included a requirement that the applicant shall require that employees who drive to park off of the street, which the applicant has agreed to do. Staff has included a condition requiring a one year review so that in the event that the establishment generates any negative impacts and staff receives complaints from the neighborhood, the permit can be reconsidered. Finally, staff has included a five year limit on the SUP so that the business' compatibility with the neighborhood and the prospects for redevelopment can be reconsidered at that time.

With these conditions, staff recommends approval of the special use permit.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 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 & Environmental Services.
- R-2 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- 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 not be discharged to the sanitary or storm sewers, or be discharged onto the ground.
- R-4 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.
- R-5 No material shall be disposed of by venting into the atmosphere.
- R-6 Applicant shall repair the driveway apron and sidewalk to the satisfaction Director of Transportation and Environmental Services.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A fire prevention code permit is required for the proposed operation.

- C-3 The required mechanical ventilation rate for air is 1.5 cfm per square foot of the floor area. In areas where motor vehicles operate for a period of time exceeding 10 seconds, the ventilation return air must be exhausted. An exhaust system must be provided to connect directly to the motor vehicle exhaust.
- C-4 Electrical wiring methods and other electrical requirements must comply with Article 511 of the National Electrical Code, 1996 for commercial repair garages of automobiles.

Health Department:

- F-1 No comments.

Police Department:

- R-1 Security survey to be completed by the Crime Prevention Unit.
- R-2 Robbery awareness program to be completed by the Crime Prevention Unit .

VP

APPLICATION for SPECIAL USE PERMIT # 2002-0086

[must use black ink or type]

PROPERTY LOCATION: 1108 Queen Street

TAX MAP REFERENCE: 64.03-04-16 ZONE: CD

APPLICANT Name: JULÈS K. MAHI

Address: 12157 Derriford et Woodbridge VA 22192

PROPERTY OWNER Name: TOM B. SYKES

Address: P.O BOX 1158 Alexandria VA. 22

PROPOSED USE: Tire Sale & Mounting

(Auto Repair)

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.

JULÈS K. MAHI
Print Name of Applicant or Agent

J. Mahi
Signature

12157 Derriford Ct
Mailing/Street Address

703-929-4948
Telephone # Fax #

Woodbridge VA 22192
City and State Zip Code

08/21/02
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.

100% (TULES K. MAHI)

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)

Business will consist of
 selling tires & Rims; we will
 mount tires on rims for customers;
 duties will include mounting ^{tires} on
 customers cars -

There will be no customer car
 over staging

number of cars a day: 5-10

number of employees: 1

Hours of operations M-F 9-6 / S-S 10-4

Tires will be collected daily and
 sent to a recycling site in MD.

Trashes will be collected weekly.

There will be floor jacks to lift
 tires off the floor. No Heavy duty lifts
 will be used.

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).

2-3 / hour

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

(1) one

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

Day:

Hours:

Monday - Friday

9-6

Saturday - Sunday

10-4

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

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

minimum

B. How will the noise from patrons be controlled?

Air compressor will be isolated
existing in the building

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

None

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?

used tires

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

5 - 20 tires / day

C. How often will trash be collected?

tires will be collected daily
Trash weekly

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

I will inspect the surroundings
daily

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:

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

- no customers allowed near machines
- they will all be in a separate room

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?

~~1/2000 retail; 1/1000 auto repair = 11~~ No required parking CBD

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

2 Standard spaces + 2 interior spaces for mounting tires

_____ 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? _____

~~1~~ ~~1~~ ~~1~~ 1 space

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

~~1~~ ~~1~~ ~~1~~ 1 space

C. Where are off-street loading facilities located? _____

~~1~~ ~~1~~ ~~1~~

loading will occur inside building before business hours - access from backblock Alley

D. During what hours of the day do you expect loading/unloading operations to occur?
weekly 6am-7am (Flexible)
(once a week)

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

once a week
No container expected / 20 foot Van

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?

N/A

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?

2800 sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ 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: _____

Parking reduction supplement

Parking on Aven St between Fayette & Howe
can accommodate 10 cars;

On site can accommodate 2 cars in space
parallel to alley. 2 cars can be parked inside
the building when cars are being mounted.
Also I do not anticipate a parking problem
when I start business -

I do not anticipate back-up ^{FOR} ~~for~~ ~~the~~ ~~surrounding~~
of the business. also customers will not be using
too many of the local neighborhood space. they
will primarily use the business parking, ~~and~~ And
we have enough parking for the type of business
I am starting -

I do not expect more customer than the
space currently available for parking on site -

VP

13

APPLICATION for SPECIAL USE PERMIT # 2002-0086

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JULES K. MAHI
Print Name of Applicant or Agent

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Signature

12157 Derriford Ct
Mailing/Street Address

703-929-4948
Telephone # Fax #

Woodbridge VA 22192
City and State Zip Code

08/21/02
Date

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

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

ACTION - PLANNING COMMISSION: 10/01/02 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 10/19/02PH -- SEE ATTACHED. (SEPARATE MOTION)

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

ACTION CONSENT CALENDAR (continued)

Planning Commission (continued)

10. Councilwoman Eberwein did not remove docket item #10 from Action Consent but wished to comment on it. Ms. Eberwein complimented both the Planning staff and City Manager in moving forward with Council's effort to streamline the process of approving land use applications in order to provide a more cooperative effort between the neighborhoods and those who are proposing the applications in the City.

City Council approved the Planning Commission recommendation.

11. City Council approved the Planning Commission recommendation.

12. City Council approved the Planning Commission recommendation.

13. Councilman Speck removed this item from Action Consent to question staff about the Planning Commission's thinking due to the intensification of this automobile-related use. He directed questions to Planning and Zoning Deputy Director Ross, and Members of City Council participated in the discussion.

City Council approved the Planning Commission recommendation with the addition of Condition #17, as suggested by Mayor Donley, to read: **"17. The applicant shall clear the property of trash and debris within 60 days of issuance of the SUP, and Code Enforcement shall inspect the property within the 60 days to ensure that everything is in compliance."** (Separate Motion)

14. City Council approved the Planning Commission recommendation.

15. City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

Council Action: _____

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

16. Public Hearing on and Consideration of Report from the Citizen Committee Appointed to Review Council Compensation. (#20 9/24/02)

The public hearing was held and concluded.

Mayor Donley requested a report from staff, or at least an assessment, of what the fiscal impact is, plus Council's eligibility for benefits, to come forward with the proposed ordinance. The City Manager explained that Council is not eligible for retirement benefits under VRS but will be eligible for the City's supplemental plan.