

EXHIBIT NO. 1

4
2-25-06

Docket Item #3
SPECIAL USE PERMIT # 2005-0127

Planning Commission Meeting
February 7, 2006

ISSUE: Consideration of a request for a special use permit to operate an outdoor garden center.

APPLICANT: Cultivated Gardens Inc.
by Janet Sauser

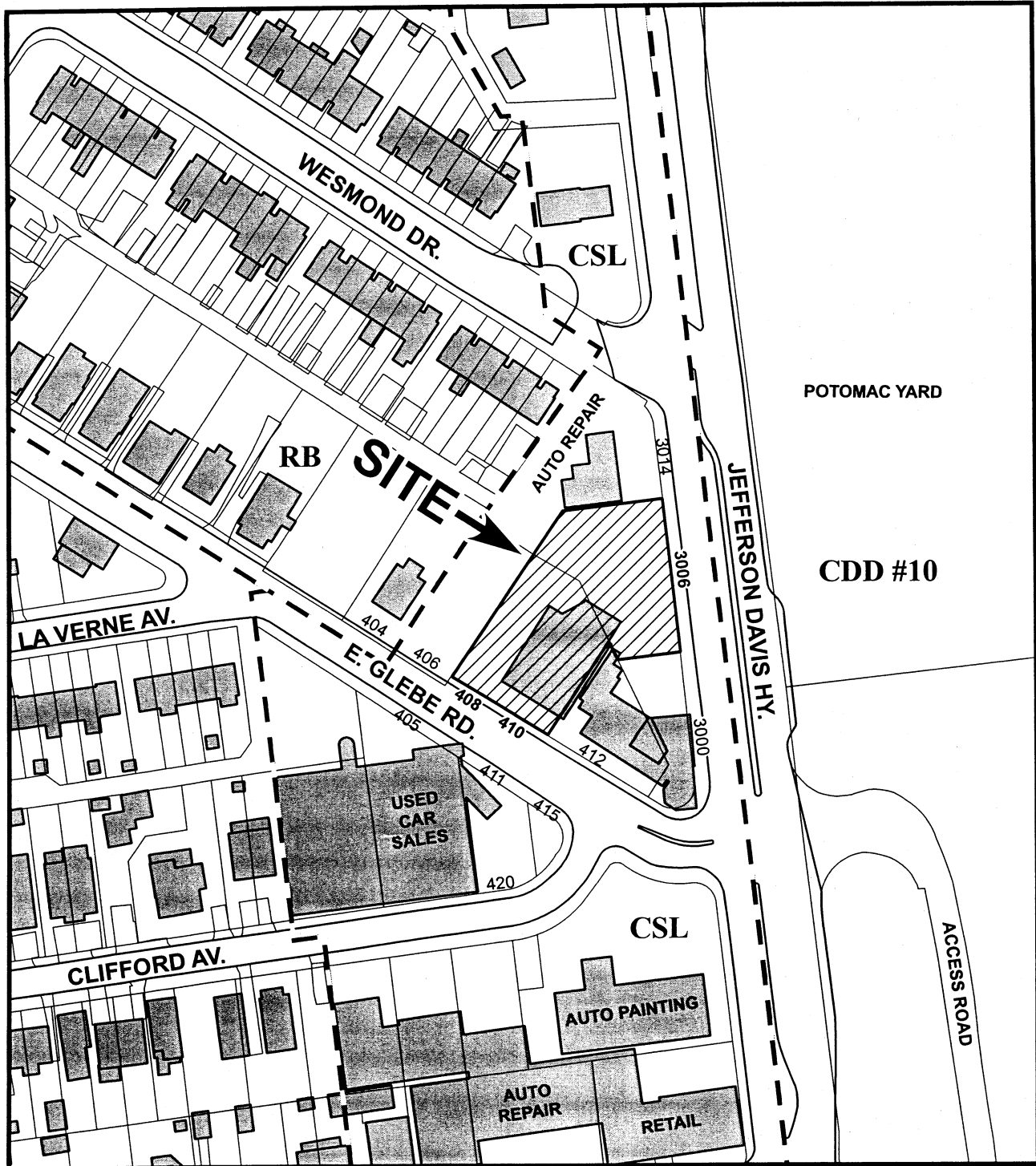
LOCATION: 408 & 410 East Glebe Rd/3006 Jefferson Davis Hwy

ZONE: CSL/Commercial Service Low

PLANNING COMMISSION ACTION, FEBRUARY 7, 2006: 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 the recommended permit conditions found in Section III of this report.



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02/07/06



I. DISCUSSION

REQUEST

The applicant, Janet S. Sauser, requests special use permit approval for the operation of an outdoor garden center located at 408 and 410 East Glebe Road and 3006 Jefferson Davis Highway.

SITE DESCRIPTION

The subject property is an irregular "L-"shape site and consists of two lots of record with approximately 90 feet of frontage on East Glebe Road, approximately 124 feet of frontage on Jefferson Davis Highway and a total lot area of approximately 19,567 square feet. The site is developed with a one-story building of 4,200 square feet. The applicant is the proposed lessee of the property. There are five curb cuts to access the property, two are located on Jefferson Davis Highway, and the three are located on East Glebe Road. Only the East Glebe Road curb cuts are currently accessible because of a perimeter fence that was built over the curb cuts along Jefferson Davis Highway.



408 East Glebe Road Frontage



3006 Jefferson Davis Hwy Frontage

In the near vicinity of the site, to the north and west, are townhome and single family residences. Immediately to the north of the site is Potomac Yard Motors. To the east is the Del Ray Glass company. A marble and granite business is across Glebe Road. To the west and south of the site across the street is Boyle Motors. Wagonwork Collision Center is in the near vicinity on Clifford Avenue. To the east across Jefferson Davis Highway is the proposed Potomac Yard development site.

PROPOSAL

The applicant proposes to operate a full service garden center. The applicant describes the proposed establishment as a retail garden center designed to serve local residents. The store will provide plants, tools, flowers, soil amendments, home decorations, bird feeders and seed as well as other

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staples of gardening. Specific aspects of the operation as proposed by the applicant include the following:

Hours: 10:00 a.m. to 6:00 p.m. Monday-Thursday
8:00 a.m. to 6:00 p.m. Friday and Saturday
9:00 a.m. to 5:00 p.m. Sunday

Trash: Trash will include soil and debris from daily sales and garbage from employee lunches. Cardboard and plastic will be recycled. Trash will be collected from a dumpster on the premises on a weekly basis. The applicant will sweep the property twice daily for litter.

Facade improvements: The building will maintain its industrial character inside and out. Changes will include installing new doorways and replacing existing garage doors on E. Glebe Road with windows. (See attached conceptual facade drawings).

Outdoor display: There will be two to four cash registers outdoors in a covered kiosk for check out. In spring, summer and early autumn, there will be about 10 tables displaying flowering annuals, vegetables, herbs and perennials in flats and gallon containers. These tables will be covered by an overhead structure to provide shade to patrons and plants. Hanging baskets of flowering annuals will hang from the horizontal poles. Stepped shelves along the south corner of the lot will display all sizes of terracotta pots.

Garden shrubs and small ornamental trees such as roses, hydrangeas, dogwoods and lilacs will also be available. These will be in three to seven gallon containers and will be located on a gravel surface in rows along the fence beside Route 1. The applicant proposes maintaining the existing chain link fence along Route 1.

Soil amendments (mulch, play sand, potting soil) will be stacked at a loading area for easy distribution to vehicles. The store will also offer free delivery of these items to patrons within a 10 mile radius.

In late autumn there will be pumpkins and decorative seasonal products such as hay bales, winter cabbage and dried corn swags for purchase. In winter, Christmas trees and tree stands as well as winter garlands and wreaths will furnish the outside space.

- Landscaping:** While much of the visual landscaping will be the actual items available for sale, the applicant proposes to install trees along Jefferson Davis Highway, and provide hanging plants and flowers along the fence line to beautify it. The chain-link fence will remain open so that the plant and garden items for sale are visible from the street. The applicant proposes decorative flowering displays at the Glebe Road frontage. (See attached concept facade with display items).
- Loading/Deliveries:** The applicant anticipates deliveries to the site from three to seven days a week. These deliveries would be for plants, tools, fertilizers, and other small retail items, which would be delivered in a small box truck. Soil amendments will be delivered by a semi-truck one to two times a month during warm weather. Fewer deliveries occur in cooler months.
- Curb cuts:** There are five curb cuts on the property—three on E. Glebe Road and two on Jefferson Davis Highway. The applicant proposes vehicular entry and exit only from E. Glebe Road. To accommodate semi-truck deliveries, the applicant proposes that trucks be permitted to leave the site via the northernmost curb cut on Jefferson Davis Highway.
- Paving:** The applicant proposes that the driveways, parking lot and aisles be paved with A-1 stone dust for a uniform, smooth base. Each parking space will have a concrete wheel stop. Display tables and potted plants outdoors will be on gravel for drainage.

PARKING

According to Section 8-200 (A)(16) of the Zoning Ordinance, a retail use at this location requires 1.1 spaces for every 210 square feet. In this case, there is approximately 3,100 square feet of retail space, requiring 17 parking spaces. The applicant is providing 17 spaces on the property, and complies with the parking requirement. The applicant proposes that during peak hours, staff from the garden center guide patrons into and out of the lot and parking spaces.

BACKGROUND

There is a history of violations at the property under the current owner, including an illegal automobile repair and sales business. The illegal business was ordered closed by the Code Enforcement Department in December 2000. Following this enforcement action, the applicant filed a SUP application to allow light automobile repair and sales at this location. Staff recommended denial of that application, and the applicant withdrew the application prior to a decision by the Planning Commission or Council. Since that time, the property has been vacant. The property was

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placed in the Spot Blight program in 2001 and was removed from Spot Blight in January 2004. In 2002, 223 Civil Penalty tickets were issued to this property by Code Enforcement for interior and exterior violations. All of the violations associated with the Spot Blight case have been corrected.

On May 14, 2005, City Council denied an automobile rental operation from occupying the site, supporting the Planning Commission's recommendation of denial that found the use inappropriate at this location because of the existing impacts of automobile uses on the neighborhoods and the inconsistency of the use with the vision for Potomac Yard and Route 1.

The property owner has indicated that the ultimate goal is to redevelop the property. The owner would like to lease the subject property in the near term while potential redevelopment options may be explored. Del Ray Glass continues to operate at the corner property, delaying the possibility for coordinating redevelopment in the near term.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CSL/Commercial Service Low zone. Section 4-303(S.2) of the Zoning Ordinance allows an outdoor garden center 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 commercial use.

II. STAFF ANALYSIS

Staff is supportive of this neighborhood-serving retail garden center as an interim use. The use will make active a long-time vacant property that has a history of problems. The applicant will be enhancing the site with trees and plant and floral displays that will improve the appearance of the property. The applicant worked diligently with staff on a parking plan that provides all required parking spaces, and area for cars and trucks to maneuver. The proposed use is one that can occupy the site on an interim basis without significant investment, and be a positive presence in the community.

Redevelopment of the property, in conjunction with the adjacent property currently occupied by Del Ray Glass is the desired outcome of this property. The planned character for Route 1 is similar to Washington Street, with a mix of uses and building types, more urban and pedestrian oriented, with transit and pedestrian amenities. Route 1 will be the "urban boulevard" that will serve as the spine for the redevelopment of Potomac Yard and the Route 1 corridor. The development of Potomac Yard will begin in the next couple years with the construction of streets, including improvements to Route 1, and the straightening of the Monroe Avenue bridge. The subject property is also just west of the future "town center" for Potomac Yard, which will be the area that will have the greatest mix of uses and transit accessibility, and is intended to be a civic area for the community and the

City. Similar to the transformation in planned areas such as East Eisenhower, the plan for Potomac Yard will begin to be realized in the upcoming years creating the urban village anticipated by the City and the community. The subject property is very prominent in this future vision along Route 1, and its best use is likely as a mixed use project.

Until such a redevelopment project is feasible for this lot, staff supports the outdoor garden center. Staff has included a condition that the City Council review this permit in five years so that the property's redevelopment potential can be reassessed.

Staff worked with the applicant on a parking plan to accommodate all required parking on site, while providing adequate turnaround areas for delivery vehicles. In accordance with T&ES goals of reducing the number of curb cuts along Jefferson Davis Highway because of the amount of traffic, the applicant agreed to not utilize the two existing curb cuts along that frontage. The northernmost curb cut will be used on a limited basis for semi-trucks to exit after making a delivery. These deliveries are anticipated only once or twice a month, and generally during morning hours when southbound traffic is lighter. The gate will be required to be closed at all other times. All deliveries can be accommodated within the property, and staff has included a condition to this effect.

Staff has included a number of other conditions with the goals of reducing any potential negative impacts on the surrounding community, and ensuring that property enhancements are achieved. With these conditions, staff recommends approval of the special use permit.

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 hours of the outdoor garden center shall be limited to between 8:00 a.m. and 7:00 p.m. daily. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
3. The facade and parking layout shall be generally consistent with the attached plans to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z) (T&ES)
4. All deliveries and solid waste pick-ups shall be done within the confines of the site and are prohibited from along E. Glebe Road. Deliveries by way of semi-tractor trailers shall be limited to non-peak business hours. (T&ES)

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5. The gate along Jefferson Davis Highway is to be kept locked except when being used for egress of semi-tractor trailer delivery trucks. (T&ES)
6. No pallets of inventory are to be stored in the parking lot. (T&ES)
7. Provide for pest control to control rodent infestation. (T&ES)
8. Any proposed lighting shall be located within the site away from nearby residential properties. The applicant shall provide a plan showing the general location of any proposed lighting for staff review to verify plan showing that lighting spillover will not occur to adjacent residences. (T&ES)
9. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
10. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
11. 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. (P&Z)
12. 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 containers which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)
13. 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 and a robbery awareness program for all employees. (Police)
14. All trees proposed to be planted along Jefferson Davis Highway are to be limbed up a minimum of 6 feet as they mature to allow for natural surveillance. (Police)
15. 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, and on how to prevent underage sales of alcohol. (P&Z)

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16. This special use permit shall be reviewed by City Council five years from the date of approval. (P&Z)
17. 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 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)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, 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 All deliveries and solid waste pick-ups shall be done within the confines of the site and is prohibited from along E. Glebe Road. Deliveries by way of semi tractor trailers shall be limited to non-peak business hours.
- R-2 The gate along Jefferson Davis Highway is to be kept locked except when being used for egress of semi-tractor trailer delivery trucks.
- R-3 No pallets of inventory are to be stored in the parking lot.
- R-4 Provide for pest control to control rodent infestation.
- R-5 Any proposed lighting shall be located within the site away from nearby residential properties. Provide a plan showing the general location of any proposed lighting for staff review to verify plan showing that lighting spillover will not occur to adjacent residences.
- R-6 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.

Code Enforcement:

- F-1 The following information on recent past history of this property is provided below:

On October 6, 2000, the former occupant, Mr. Daria Karimian was found to be illegally operating a major automotive repair business at this location. During a joint inspection by Planning and Zoning, Code Enforcement and Police, it was discovered that there were numerous violations of the Fire Prevention Code and the Zoning Code.

Also during that inspection, several soil samples were taken as it was believed that there existed great potential for an environmental crime having been committed. There is considerable amount of oil residue throughout the yard area as well as in the storm sewer adjacent to the site. Mr. Karimian operated this same business in a similar fashion at his previous location of 3700 Jefferson Davis Highway. During

his years at that location, the City exhausted considerable resources trying to maintain the business in reasonable compliance with applicable State and City code provisions.

The operation at 406-408 East Rd. involved disassembling wrecked automobiles and restoring them to an operable condition and then selling them from the same location. The work involved everything from engine replacement to body and fender work and should not be considered "light automotive repair" as indicated in the application. The operation necessitated considerable storage of body parts which is being stored outside of the building and which were not screened from the public view. There were engine and transmission parts also stored outside on the ground leaking their operating fluids directly into the ground.

The operator of the business was also found to be spray painting cars at this location without the proper equipment and exhausting paint fumes directly into the outside air which was a violation of the Environmental Health and Environmental Protection Regulations for body shops.

On December 6, 2000, after several failed attempts to gain compliance with the myriad of violations at this location the business was ordered closed and remains so to this date. The owner was found to be operating in defiance of the closure order at which time Chief Conner met with Mr. Karimian and his Attorney at which time they agreed that he would abide by the closure order until such time as all permit issues were resolved.

- F-2 The site showed evidence of illegal dumping of automotive operating fluids (e.g., gasoline, oil, antifreeze, etc.).
- F-3 A complete soils report, Certified by a Va. Reg. P.E. was required prior to issuance of SUP in 2000. The City conducted a soil remediation survey in November 2003.
- F-4 The property was placed in the Spot Blight program sometime in 2001 and was removed from Spot Blight in January 2004. Although violations pertaining to Spot Blight were corrected, interior violations remain. Below are a list of outstanding items:
 - C-1 The applicant shall request a certificate of occupancy inspection which will assess interior code compliance for this property and ensure the building fully complies with the Virginia Uniform Statewide Building Code prior to occupancy.

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- F-5 In 2002, 223 Civil Penalty tickets were issued to this property by Code Enforcement for interior and exterior violations. As of this date, those penalties have been paid.
- C-1 The current use is classified as S, Storage; the proposed use is M, Merchantile. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional 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 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Construction permits are required for this project which will include the proposed kiosk. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

Health Department:

- 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.

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- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 It is recommended that all trees proposed to be planted along Jefferson Davis Hwy. are to be limbed up a minimum of 6 feet as they mature to allow for natural surveillance.

APPLICATION for SPECIAL USE PERMIT # 2005-0127

[must use black ink or type]

PROPERTY LOCATION: 408+410 East Glebe Rd., 3006 Jeff. Davis Hwy.

TAX MAP REFERENCE: 25-01-01-19+18 ZONE: CSL

APPLICANT Name: Cultivated Gardens, Inc.

Address: 1523 33rd St NW. WDC 20007

PROPERTY OWNER Name: Amerinvest LLC

Address: P.O. Box 11270, McLean, VA 22102

PROPOSED USE: Retail Flower-Garden Center
(indoor/outdoor)

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.

Janet S. Sauser
Print Name of Applicant or Agent

Janet S. Sauser
Signature

1523 33rd St NW
Mailing/Street Address

202 965 4074 202 965 3128
Telephone # Fax #

Washington, DC 20007
City and State Zip Code

29 Nov. 2005
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.

Janet S. Sausser

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.

(attached)

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)

SEE ATTACHED DOCUMENT (4 PP)

NARRATIVE DESCRIPTION
OF PROPOSED GARDEN CENTER
at 408-410 East Glebe Road
and 3006 Jefferson Davis Highway

BUSINESS DESCRIPTION

Cultivated Gardens will be a retail garden center designed to serve local, residential Alexandria neighborhoods. The store will buy plants, tools, flowers, soil amendments, home decorations, bird feeders and seed as well as other staples of gardening from a variety of growers and producers that provide excellent quality. Cultivated Gardens will resell them to our target market.

The store will be a convenient, full-service garden center with knowledgeable sales clerks and moderate prices for busy patrons who love to garden, but do not have time to drive far to find all their gardening needs. There will be four to six employees daily to process sales and to load merchandise into cars.

The center will have two main display areas: one outside and the other inside a building.

STYLE

The building will maintain its industrial character inside and out. Changes will include installing "customer-friendly" doorways as well as replacing existing garage doors with glass windows, a wheelchair accessible washroom and toilet, one employee room with washroom and toilet, a storage area, utility sink and counter for preparing potted plants and gift baskets and two offices for management.

Driveways, parking lot and aisles in the outdoor display area will be paved over with A-1 stone dust for a uniform, smooth base. Each

parking space will have a concrete parking curb. Display tables and potted plants will be on gravel for drainage. Parking lot lights will be installed where needed for safety and visibility.

Especially along Jefferson Davis Highway display gardens and trees will be planted to beautify the lot and to educate store patrons. Hanging baskets of flowers and evergreen plants will decorate the fences.

BUILDING USE

Inside the building there will be two check-out counters with one to two registers at each. There will be one wheel chair accessible bathroom for patrons.

Some merchandise will be displayed year-round: basic garden tools such as shovels, trowels, rakes, pruners, gloves, and watering accoutrements: small terracotta and glazed specialty pots; herb topiaries and various house plants; books and magazines on garden topics; bird feeders, houses and seed; and home decorating items such as vases and lawn chairs.

In spring and autumn flowering bulbs will be sold for planting. These will be displayed on shelves in boxes with beautiful color pictures. Nearby the bulb display will be bulb planting tools and bulb fertilizer.

During the warm growing months there will be a full-range of organic fertilizers for all plants including house plants, flowering trees and shrubs, evergreens, vegetables and perennials. A limited number of organic sprays for garden pests and diseases will be carried.

After thanksgiving the store will offer numerous flowering plants such as poinsettias, kolanchoe, cyclamen, Christmas cactus and orchids. There will be a Christmas display for selling tree ornaments, bows and evergreen topiaries.

EXTERIOR LOT USE

Outside there will be two to four registers at a covered kiosk for easy check out. Customers can use a cart to collect plants when walking around the display tables.

In spring, summer and early autumn, there will be about 10 tables each five feet wide and 16 feet long displaying flowering annuals, vegetables, herbs and perennials in flats (of 15 to 18 plants) and gallon containers. These tables will be covered by an overhead structure to provide shade to patrons and plants. Hanging baskets of flowering annuals will hang from horizontal poles. Stepped shelves along the south corner of the lot will display all sizes of terracotta pots

Some old-fashioned, flowering garden shrubs and small ornamental trees such as roses, hydrangeas, dogwoods and lilacs will also be available. These will be in three to seven gallon containers and will sit on a gravel surface in rows along the fence beside Route 1. Also on gravel will be garden ornaments such as bird baths

Soil amendments (mulch, play sand, potting soil) will be stacked on pallets at a loading area for easy distribution to patrons' cars year round. The store will offer delivery of these bulky items to patrons within 10 miles of the garden center for a small fee.

In late-autumn there will be pumpkins and decorative seasonal products such as hay bales, winter cabbage, dried corn swags for purchase. In winter Christmas trees and tree stands as well as winter garlands and wreaths will furnish the outside space.

PARKING

Patrons can enter and exit the store parking lot from East Glebe Road.

Deliveries can be made on site from small to large trucks entering and exiting the same way as patrons. Patrons and delivery trucks will be able to pull over to a loading area separate from the parking lot for pick-up and delivery. There will be 20 parking spaces on the premises with two designated for handicapped parking. On peak weekends there will be parking assistants with flags to facilitate safe entry and exit to and from the lot and parking within the lot.

HOURS OF OPERATION

Peak spring and early-summer hours of operation will be from 9:00 AM to 6:00 PM Friday and Saturday, 9:00 AM to 5:00 PM on Sunday and 10:00AM to 6:00PM Monday through Thursday.

After Christmas the store will have a big sale and close on December 31, to re-open on February 1 for in-house training, restocking and sales.

SIGNS

On the front and rear of the building (408-410 East Glebe Road) there will be signs attached to or painted on the surface of the upper part of the building (above doorways and window) which will have the name of the business, Cultivated Gardens, Inc., and the words "Garden Center" with gooseneck sign-lights for illumination.

Attached to the fences abutting the existing gates at 3006 Jefferson Davis Highway and 408 East Glebe Road will be vinyl banner signs (approximately 4' X 8') with the name of the business, the words "Garden Center" and the hours of operation.

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).

15 patrons / hour (PEAK DAYS)

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

4-6 / day sales , 1-2 / day office support

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

Day:

Hours:

M - Th

10 am - 6 pm

Fri + Sat

8 am - 6 pm

Sun

9 am - 5 pm

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

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

- Trash dumpster emptying
- Deliveries by truck Tues - Friday

B. How will the noise from patrons be controlled?

NA

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

NA

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?

Cardboard, Plastic both to be recycled, ordinary garbage from employee lunches, soil and debris from daily sales.

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

1 6x6 dumpster cardboard

1 8x8 dumpster trash

C. How often will trash be collected?

Weekly

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

Twice daily sweeping and tidying

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?

During peak hours flag wavers will guide patrons into and out of the lot and parking spaces (as provided by a company such as Metropolitan Valet + Parking Co.).

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?

~~20~~ 17

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

12 ~~8~~ Standard spaces

5 ~~3~~ Compact spaces

(2) 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? No public space loading needed

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

C. Where are off-street loading facilities located? AT rear of 606 East glebe Rd (on-site), separate from parking spaces

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

between 8 am - 5 pm

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

5 days / week, 2 hours ± each day (changes seasonally, these are peak projections)

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? 120 square feet. (OUTSIDE SALES KIOSK)

18. What will the total area occupied by the proposed use be?

4200 sq. ft. (existing) + 120 sq. ft. (addition if any) = 4320 sq. ft. (total)

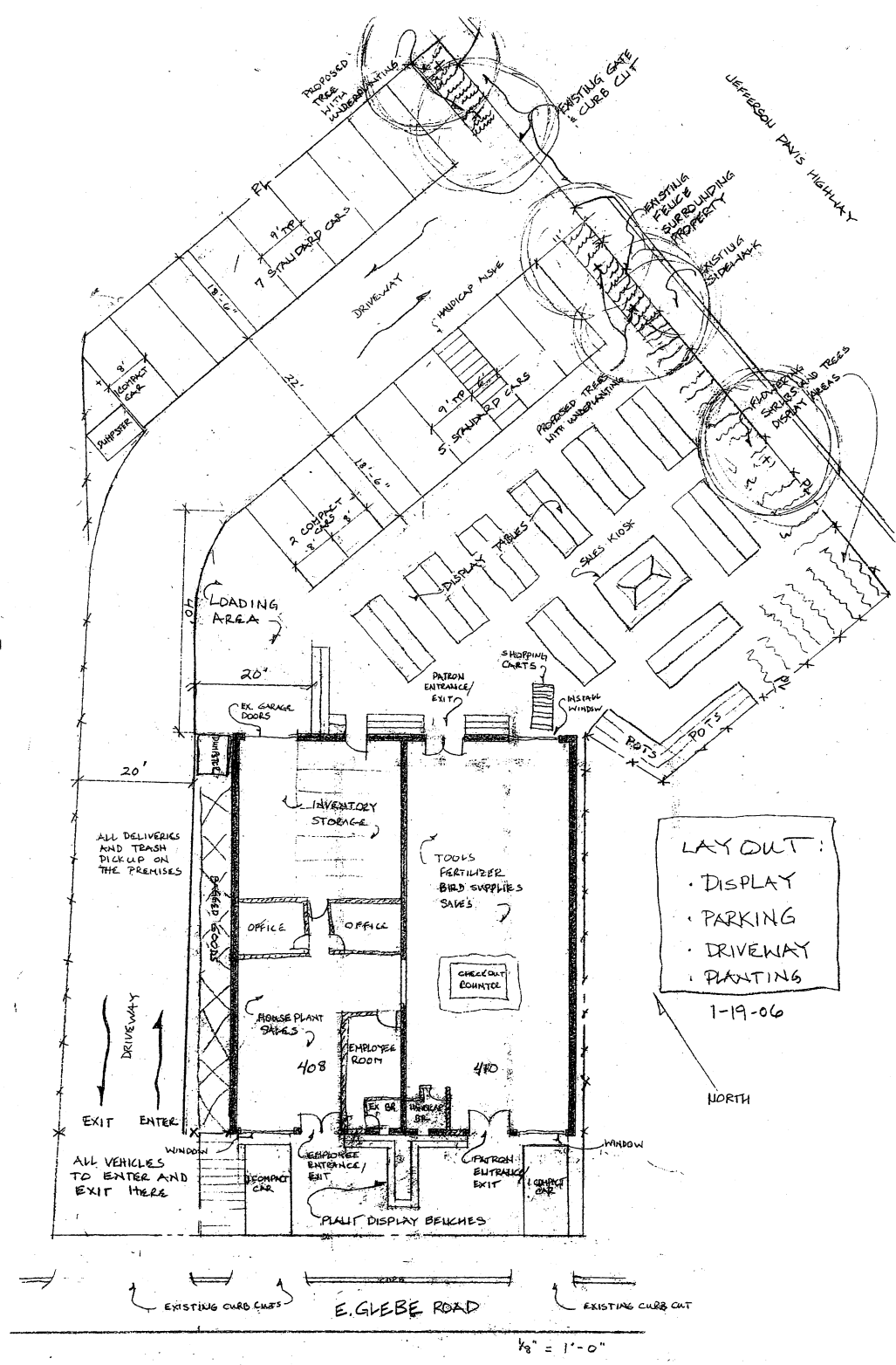
19. The proposed use is located in: (check one)

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: _____



LAY OUT:

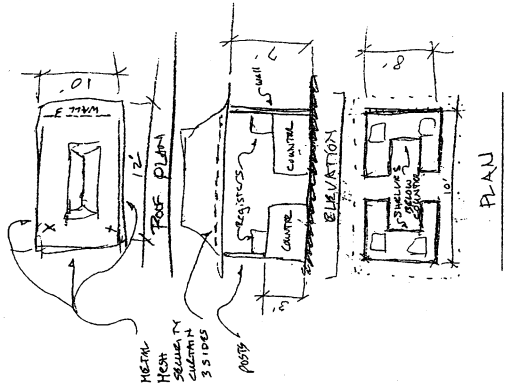
- DISPLAY
- PARKING
- DRIVEWAY
- PLANTING

1-19-06

NORTH

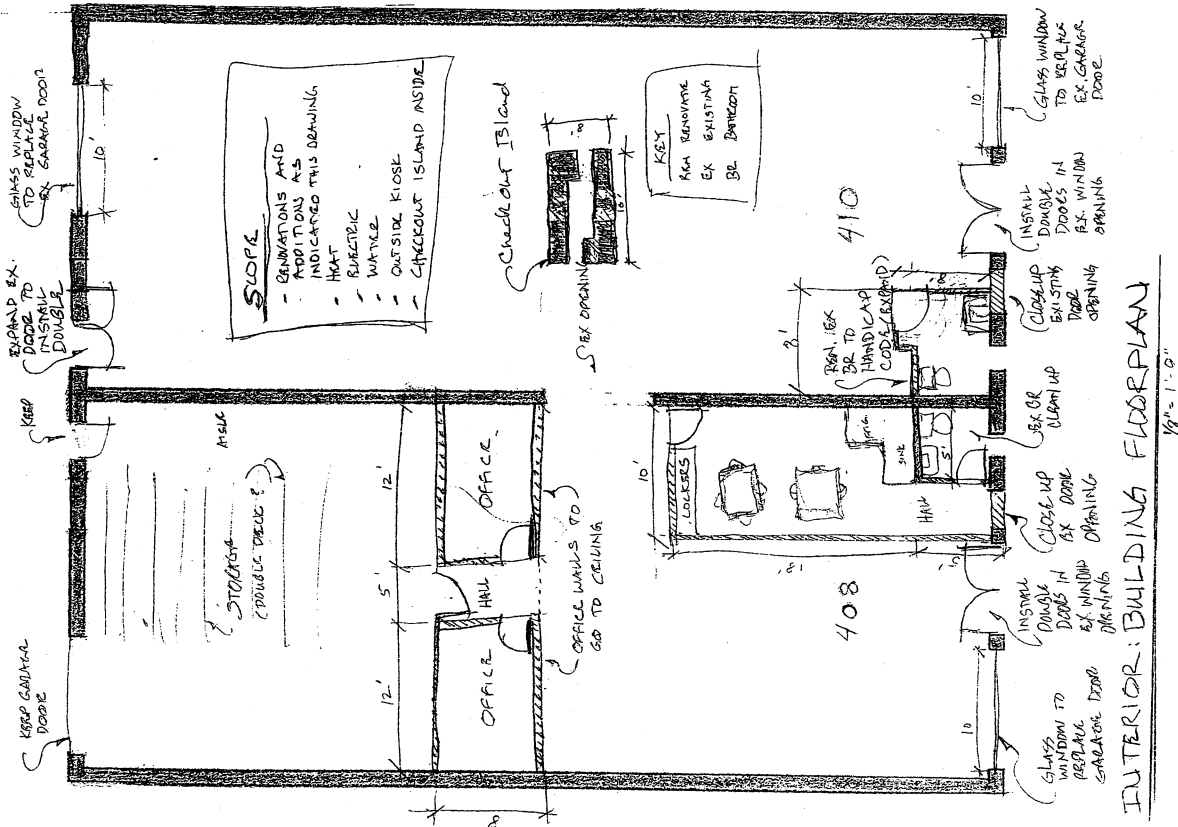
E. GLEBE ROAD

1/8" = 1'-0"

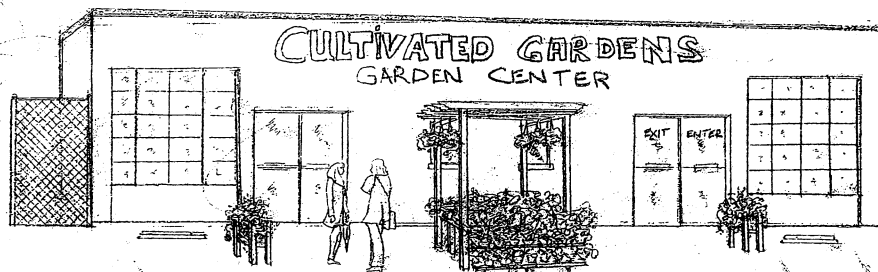
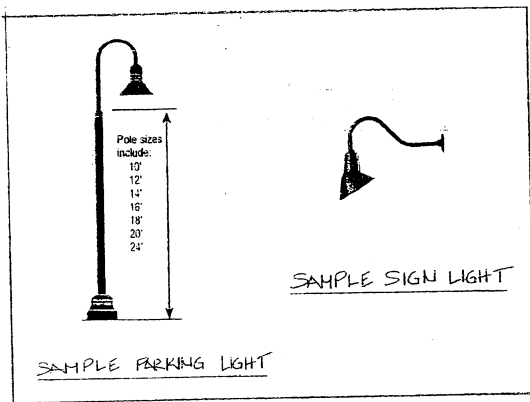


KIOSK

SKETCHES

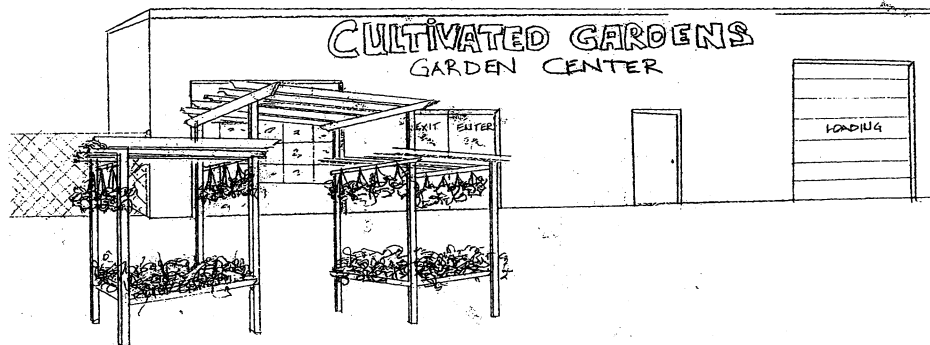


INTERIOR BUILDING FLOOR PLAN



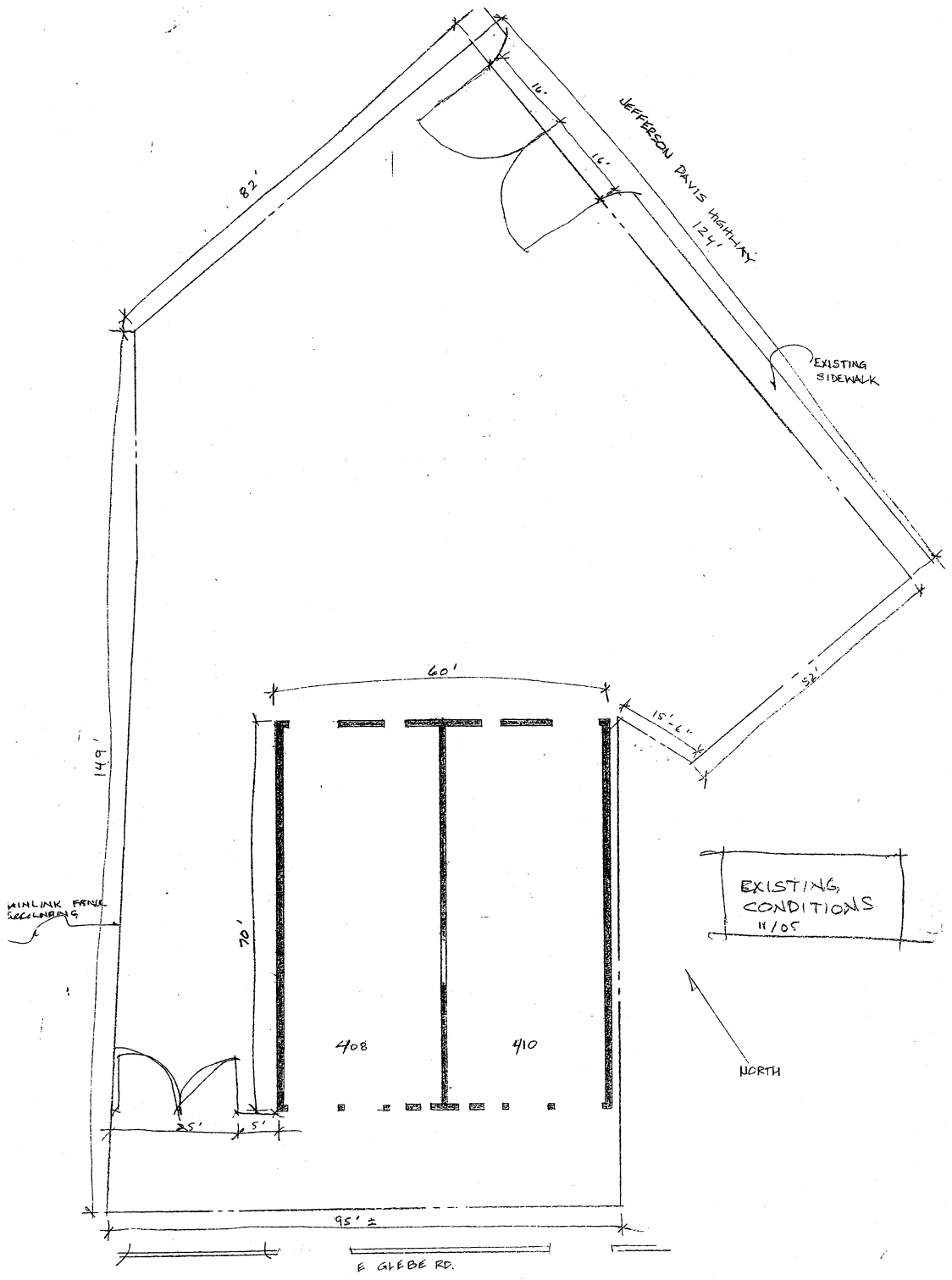
ELEVATION: EAST GLEBE ENTRANCE

1/4" = 1'-0"



ELEVATION: JEFFERSON DAVIS HWY.

1/4" = 1'-0"



1/8" = 1'-0"

29

Del Ray Citizens Association

PO Box 2233

Alexandria VA 22301

Established 1954 PC Docket Item(s) # 2

Case # SUP2005-0127

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

From: Amy Slack, Land Use Committee Co-Chair
Sarah Haut, Land Use Committee Co-Chair
Laurie MacNamara, President

Date: February 3, 2006

Subject: Special Use Permit #2005-0127
Cultivated Gardens at 408 /410 East Glebe Rd. & 3006 Jeff Davis Hwy.
Consideration of a request to operate a retail flower/garden center.
Zoned CSL/Commercial Service Low
Applicant: Janet Sauser

The applicant, Janet Sauser, attended the Land Use committee meeting of January 19, 2006 to discuss the proposal. Deputy Director Josephson, President Laurie MacNamara, and Executive Board member David Fromm attended. The item was announced in the Association newsletter.

The subject site is vacant; except for a 4200 square foot building located along the east property line, and is enclosed by an unsightly chain-link fence. It has frontage on Jeff Davis Highway and E. Glebe Road. Access onto the site is from E. Glebe.

Ms. Sauser proposes to operate "a convenient, full-service garden center with knowledgeable sales clerks and moderate prices..." focused on basic garden tools, supplies and closely related items. The center will have 2 main display areas - one inside the building and one outside. She plans to improve the building by replacing existing garage doors facing Glebe Road with new windows and doors. She proposes to illuminate the sign with goose-neck lights. The outdoor display and parking areas will be paved in gravel or stone dust. An outdoor sales kiosk, display tables with shade structures and means to display hanging baskets will be constructed. Along the Jeff Davis Highway frontage, will be a display for larger garden plants such as shrubs and trees and a green buffer area to shield the on-site parking. Employees in the two display areas will communicate via walkie-talkies; no amplified outdoor speakers. The required parking is provided on-site. Deliveries should occur between 8am-5pm, daily and will be quickly unloaded. All loading and unloading is to occur off-street. Ms. Sauser explained her solution to accommodate infrequent deliveries of palletized bag products such as mulch; T&ES has found it reasonable.

Staff supports the application as an interim use and recommends a 5-year review of the permit.

The discussion touched on several issues. The LU committee suggested Ms. Sauser request longer hours of operation, in particular to take advantage of summer time day

length. We were concerned about the safety of traffic flow into and out of the site. Ms. Sauser has said she will employ persons dedicated to maintaining control during peak hours and seasons. We felt this was a reasonable solution which could be readdressed should it prove not to be. Finally we advised her to reconsider the proposed signage along Jeff Davis Highway so to be in accordance with regulation. The use is most attractive, unlike the auto oriented ones proposed in the past decade, it fills an underrepresented sector in the local market and supplies desired goods to the immediate community. As proposed, LU would welcome Ms Sauser's relocation within the community should such a time come.

The LU committee and the Executive Board is supportive of the use as proposed with the following condition:

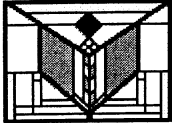
- The allowed hours of operation extend later into the evening.

We request your support for this position and welcome your questions and comments. Please feel free to contact President Laurie MacNamara at 703-519-9410, Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060.



Kendra Jacobs/Alex
02/07/2006 12:37 PM

To
cc
bcc
Subject Fw: Cultivated Gardens



Valerie Peterson/Alex
02/07/2006 11:57 AM

To Kendra Jacobs/Alex@Alex
cc
Subject Fw: Cultivated Gardens

PC Docket Item(s) # 3

Case # SUP2005-0127

--- Forwarded by Valerie Peterson/Alex on 02/07/2006 11:57 AM ---



"Melissa Watson"
<mwatson@viacucina.com>
02/07/2006 10:55 AM

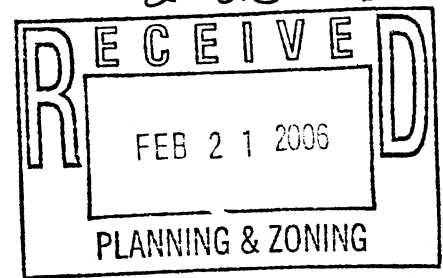
To <valerie.peterson@alexandriava.gov>
cc
Subject Cultivated Gardens

Valerie,
Lynhaven Citizens Association voted on Monday February 6th to support approval of a SUP for Cultivated Gardens (SPU#2005-0127). We are pleased that the property which has been vacant and an eyesore for so long will be transformed into a garden center which has the potential of becoming a great asset to the community.

Sincerely,
Melissa Watson
1st Vice President
Lynhaven Citizens Association

CULTIVATED GARDENS

JANET ROSIE SAUSER
1523 33RD STREET, N.W.
WASHINGTON, D.C. 20007
TELEPHONE (202) 965-4074



15 February 2006

Eileen Fogarty, Director
Department of Planning and Zoning
City Hall
301 King Street
Alexandria, Virginia 22313

RE: Special Use Permit # 2005-0127 for garden center at
408 & 410 East Glebe Road and 30006 Jefferson Davis Hwy

Dear Ms. Fogarty:

On February 7, 2006 my application for the above captioned SUP was approved at the Planning Commission Hearing. It is with regret that I must inform you that the realtor, John Ross (McEneaney Commercial), who represents the owner of those properties has made an agreement to lease those properties to another party and that I will be unable to pursue my business plan for which I submitted the SUP application

In November 2005 when I gave Mr. Ross a written offer to lease said properties for five years he made a counter offer which I accepted. Because we had come to an agreement and I expected to be presented with a lease to sign contingent upon the City's approval of the SUP, I submitted my application for an SUP on November 29, 2005.

After the Planning Commission Meeting on Tuesday evening February 7, 2006 Mr. Ross and I agreed that we would meet the following day, Wednesday, so that I could sign a lease for the properties. When we spoke by phone on Wednesday Mr. Ross told

me that there was someone else who was willing to pay more money than I had agreed to pay and that I should write a letter of intent offering more money to match or exceed the amount of the other party. I told him that I was willing to pay the rent amount that was originally asked in November before I made the offer which he countered and I accepted, at which point he told me that this new party was prepared to get into a bidding contest.

After that exchange it became clear that I could no longer rely on the seemingly capricious and possibly dishonest representations of Mr. Ross and his client. Accordingly, I told Mr. Ross that I was no longer interested in pursuing the matter.

I am indebted to the staff of the Department of Planning and Zoning for their work on my SUP application and especially for the kindness and consideration Valerie Peterson showed me. It was a pleasure working with your Department.

The outcome of my negotiations with Mr. Ross is deeply disappointing—I am troubled by his inability to deal with me in good faith as I did with him.

Sincerely,

A handwritten signature in cursive script that reads "Rosie Sauser". The signature is written in black ink and is positioned above the printed name.

Janet "Rosie" Sauser

Cc: John Ross, McEnearney Commercial
Ms. Ruby Tucker, Lynnhaven Civic Association
Amy Slack, Del Ray Citizen's Association Land Use Committee

Del Ray Citizens Association

4
2-25-06

PO Box 2233

Alexandria VA 22301

Established 1954

To: Honorable Members of City Council
Eileen Fogarty, Director, Office of Planning and Zoning

From: Laurie MacNamara, President
Amy Slack, Land Use committee Co-chair
Sarah Haut, Land Use committee Co-chair

Date: February 23, 2006

Subject: Docket item #4 Special Use Permit #2005-0127
Cultivated Gardens at 408 /410 East Glebe Rd. & 3006 Jeff Davis Hwy.
Consideration of a request to operate a retail flower/garden center.
Zoned CSL/Commercial Service Low
Applicant: Janet Sauser

At our regular meeting of February 13, 2006, the membership discussed the recommendation of staff and the Planning Commission in contrast to the recommendation of DRCA Land Use committee and Executive Board; in particular, the hours of operation. Land Use and Exec believed the business should be allowed to operate later into the evening and at least until dark to take advantage of summer daylight hours.

A motion to support the application as presented with hours of operation until 9 PM was made and passed overwhelmingly by voice vote.

We request your support for this position and welcome your questions and comments. Please feel free to contact President Laurie MacNamara at 703-519-9410 and Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060.