

Docket Item #14  
SPECIAL USE PERMIT #2003-0044

Planning Commission Meeting  
October 7, 2003

**ISSUE:** Consideration of a review of a special use permit and a change of ownership for an automobile sales business.

**APPLICANT:** Nation Auto Group LLC, Esmatullah Ali  
by Duncan Blair, attorney

**LOCATION:** 3020-3030 Duke Street

**ZONE:** CG/Commercial General

---

**PLANNING COMMISSION ACTION, JUNE 3, 2003:** By unanimous consent, the Planning Commission deferred the request.

Reason: The Planning Commission deferred the application, in order that the applicant and staff could meet with Mr. Toy, an adjacent property owner, about his concerns.

Speakers:

George E. Toy, the owner of property adjacent to the subject business, stated that the applicant had altered his property without permission and had not responded to his attempts to address the matter. Mr. Toy asked that the subject application be held until the applicant had addressed his concerns.

Duncan Blair, the applicant's attorney, requested approval of the special use permit. Mr. Blair also stated that he had not previously been aware of Mr. Toy's concerns.

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) (SUP #97-0144)
2. No automobile repair work or car washing is permitted. (P&Z) (SUP #97-0144)
3. The hours of operation shall be limited to 10:00 A.M. to 8:30 P.M. Monday through Saturday. (P&Z) (SUP #98-0136)
4. No junked, abandoned, or stripped vehicles shall be displayed, parked or stored outside. (P&Z) (SUP #2001-0113)
5. No vehicle parts, tires, or other materials shall be stored or permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure. (P&Z) (SUP #97-0144)
6. No vehicles shall be displayed, parked or stored on a public right-of-way. (P&Z) (SUP #97-0144)
7. The applicant shall work with staff on a final parking plan which includes at least eight regulation spaces to meet the parking requirement and allows the remainder of the spaces to be smaller for display vehicles. The number of display parking spaces achieved as part of that plan, which shall be to the satisfaction of the Director of Planning and Zoning, shall be the number that the applicant is permitted to display. Vehicles shall be parked in a neat, orderly arrangement. (P&Z) (SUP #2000-0151)
8. No amplified sound shall be audible at the property line. (T&ES) (SUP #97-0144)
9. The parking lot shall be paved and striped and wheel stops shall be installed if necessary, and portions of the lot that have fallen into disrepair shall be repaired and/or re-paved, all to the satisfaction of the Director of Transportation and Environmental Services. (T&ES) (SUP #97-0144)
10. The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. (T&ES) (SUP #97-0144)

11. All waste products including but not limited to organic compounds (solvents), motor oil, and antifreeze be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewer. (Health) (SUP #97-0144)
12. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for the business. (Police) (SUP #97-0144)
13. Lighting in the parking lot shall be a minimum of 2.0 foot candles minimum maintained. (Police) (SUP #97-0144)
14. Condition deleted. (P&Z) (SUP #98-0136)
15. No banners, streamers, flags, or similar advertising devices shall be displayed on the premises, but signs advertising the general business conducted on the premises may be displayed in accordance with Article IX, Section 9-100 of the zoning ordinance. (P&Z) (SUP #97-0144)
16. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit ~~one year~~ six months after City Council approval and shall docket the matter for consideration by the Planing 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) (~~SUP #2001-0113~~)
17. The applicant and its employees shall use only the rental or sales vehicles as their means of transportation to and from the site. (P&Z) (SUP #98-0136)
18. Condition deleted. (SUP #2000-0151)
19. All lighting shall be directed downward and shall be screened at the sides to avoid glare on the street and on adjacent properties and public rights-of-way to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #98-0136)

20. This special use permit allows a reduction in the parking requirement of one space, originally granted as part of SUP#98-0136. With the use of the whole site for auto sales, and including the prior reduction in the calculation, a requirement of eight parking spaces must be provided for employees and customers. No use of the site may be added which adds to the parking requirement without further parking reduction approval. (P&Z) (SUP #2000-0151)
21. The applicant shall provide one handicap accessible parking space to the satisfaction of the Director of Code Enforcement. (P&Z) (SUP #99-0129)
22. The applicant shall provide site lighting to meet minimum city standards. (T&ES) (SUP #2000-0151)
23. The applicant shall work with Planning staff to provide additional landscaping to maximize the screening of the parking area from Duke Street and to refine the design of a monument sign. It shall install and maintain the landscaping and signage pursuant to a plan to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2000-0151)
24. The proposed signage and landscaping adjacent to the drive entrance shall be placed to maximize sight distance for vehicles entering and leaving the site. (T&ES) (SUP #2000-0151)
25. Loading and unloading of vehicles, if any, shall take place on-site and during hours of operation. (P&Z) (SUP #2000-0151)
26. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z)

DISCUSSION:

1. The applicant, Nation Auto Group LLC, represented by Esmatullah Ali, is before the Planning Commission for a review of the special use permit for an automobile sales business located at 3020 - 3030 Duke Street and for a request to change the ownership.
2. The subject property is three lots of record with a combined frontage of approximately 150 feet of frontage along Duke Street and a lot area of approximately 14,297 square feet. The lots are developed with three small buildings used for the subject business and parking lot. The surrounding land uses include retail commercial along the Duke Street corridor.
3. On November 15, 1997, City Council granted SUP #97-0144 for the operation of an automobile sales and rental business. The use has since expanded, allowing more vehicles to be displayed, an expansion of the hours of operation, and a reduction of off-street parking (SUP #98-0136 and SUP #2000-0151).
4. The special use permit is under consideration because staff found several violations at the one year review because there is a request to change the ownership of the use. The current applicant, Mr. Ali has purchased the business from Gholam Reza Shaker, the previous owner.
5. The automobile sales business, as approved in January 2002 (SUP #2001-0113), occupies the full three lots known as 3020-3030 Duke Street and operates from 10:00 a.m. to 8:30 p.m. Monday through Saturday. No automobile repair work or car washing is permitted on-site.
6. The subject business is allowed to display 28 vehicles for sale outside on the surface parking lot and six vehicles for sale inside one of the on-site buildings, for a total of 34 display vehicles. It is also required to provide eight employee and customer parking spaces in the location shown on the attached plan because these are the eight regulation spaces required for the use. Four of these required eight spaces must be made available for customers. The other four spaces can hold the sale and rental vehicles that employees are required to drive to and from the site under Condition #17.
7. Several violations of the special use permit requirements have been noted at the subject site:
  - (a) A ticket for violations of Conditions #7 and #20 has been issued. The applicant had too many display vehicles on-site and therefore did not have the required number of customer parking spaces available. The Planning and Zoning staff reinspected the business on May 20, 2003, and found that the applicant had complied with Condition #20 (provided customer parking) but was still in violation of Condition #7 (too many

display vehicles on-site). Vehicles were parked in front of one of the buildings where no striped parking spaces were provided.

(b) The applicant has changed ownership without permission.

(c) Machinery, supplies, etc. indicating automobile repair were found in violation of Condition #2. The Code Enforcement staff reinspected the business on May 2, 2003, and found that the automobile repair violation had been corrected.

(d) The applicant has not had the security survey and robbery awareness program required in Condition #12.

(e) Staff cited the subject business earlier in the year, on November 23, 2002, for violating Condition #15 (signs on cars and illegal banner) of SUP #2001-0113.

STAFF ANALYSIS:

Staff supports the continued operation of the automobile sales business and of the change of ownership. Staff is concerned that there are several violations on the site, however applicant's recent actions in correcting some of the violations indicate that the business is working towards compliance. The applicant has submitted a change of ownership application, removed all automobile repair and body work by May 2, 2003, and cleared parking spaces for customer parking. The applicant still needs to make sure that the cars located on-site are parked in accordance with the staff plan (see attached). This includes the location of the cars and the number of display vehicles, and the number of employee and customer parking spaces. The applicant also needs to contact the Police Department to schedule a security survey and robbery awareness program.

Staff has included a condition requiring a review of the automobile business six months after approval to monitor the applicant's compliance with the special use permit and to additional conditions if there are any future problems with its operation. Staff supports the continued operation of the existing business and the change of ownership subject to the recommended conditions.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 T&ES staff believes the applicant is in compliance with previous department recommendations as outlined in SUP #2001-0113.

R-1 The applicant shall comply with all previous T&ES staff recommendations.

Code Enforcement:

- F-1 An inspection of the premises on 4/24/03 revealed the following code violations:
- Several large automobile engines and engine parts were found lying on the garage floor.
  - A moderate amount of spilled motor oil and used motor oil stored in unapproved containers was found in the garage.
  - Unapproved compress gas cylinder found in garage.
  - Storage of automobile maintenance supplies located in garage without approval.
  - Interior wood framing found inside garage. No building permit on file for this work.
  - Exposed electrical wiring, open junction boxes and other unapproved electrical code violations found in garage.
  - Excessive trash and debris found in garage.
  - Storage in garage in disarray.
  - Inadequate clearance around electrical service equipment in garage.
  - Automobile hood found in garage being repainted.
  - Overall conditions indicate automobile repair, auto body work, and vehicle maintenance work being conducted on the premises in violation of SUP conditions and without approved permits from Code Enforcement.
  - A followup inspection will be conducted within the next 7 days.
  - **Compliance was obtained on 5/2/2003.**

Health Department:

F-1 No comments.

Police Department:

- F-1 To date the applicant has not had the security survey and robbery awareness program completed. To have them completed the applicant is to call the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520.