

Docket Item # 3
SPECIAL USE PERMIT #2003-0103

Planning Commission Meeting
January 6, 2004

ISSUE: Consideration of a request for a special use permit to operate a moped sales establishment.

APPLICANT: Mopedland, Inc.
by Bernard R. Gratzl

LOCATION: 430 Hume Avenue (Parcel Address: 426 Hume Avenue)

ZONE: CSL/Commercial Service Low

I. DISCUSSION

REQUEST

The applicant, Bernard R. Gratzl, requests special use permit approval to operate a moped sales business known as 'Mopedland' located at 430 Hume Avenue and for a parking reduction.

SITE DESCRIPTION

The subject property occupies one out of four tenant spaces in a building located at the northwest corner of Jefferson Davis Highway and Hume Avenue. It has a total area of 1,900 square feet, including 1,300 square feet of display area with 36 feet of frontage along Jefferson Davis Highway and 34 feet of frontage along Hume Avenue.

SURROUNDING USES

The three tenant spaces west of the subject site are occupied by a printing business, a pizza delivery restaurant and an office machine retail and service shop. The site's parking lot and a paint and body shop are located behind the building to north, and a tire retail and service facility is located to the south across Hume Avenue. The Potomac Yard is located west of the site across Jefferson Davis Highway.

PROJECT DESCRIPTION

As proposed, the moped store will sell mopeds, scooters and bicycles, which are displayed in an indoor showroom. No repair or any kind of outside display will take place. Two to three employees, including the applicant, will operate the retail business. Depending on the season, between five and ten customers are expected to patronize the business daily.

Hours of operation: The proposed retail store will be open between 9:00 A.M. and 7:00 P.M. Monday through Saturday, and between 12:00 P.M. and 3:00 P.M. on Sundays.

Noise: Potential noise emanating from the proposed use will be limited to starting up and testing of mopeds and scooters. In order to minimize potential nuisances for the neighborhood, the applicant will work with staff and residents to designate a route and time schedule for the test driving of mopeds and scooters.

Loading/Unloading: Loading and unloading of mopeds will occur once a month during business hours in a designated on-street loading space in front of the store.

Waste collection: Cardboard boxes will constitute the majority of trash generated by the moped store. The applicant states to dispose the trash into appropriate containers which are emptied on a weekly basis. Any litter or debris on the property will be removed immediately.

PARKING

Section 8-200 (A) of the Zoning Ordinance requires a retail business to provide 1.1 parking spaces for each 210 square feet of floor area. Applying this parking ratio to the proposed site, the applicant would be required to provide seven spaces. However, this site has long been grand fathered as to parking. In fact, four parking spaces are located on-site, two of which are part of Angels's car shop's parking lot, located directly to the rear of the building. The remaining two spaces are designated for the applicant's use.

HISTORY

Prior to 2001, the applicant had operated a moped repair business at the same location for many years. The business was closed because of various code violations and a carpet store occupied the space for the last two years. The current application proposes a substantially different use. Instead of moped repair the applicant will conduct a retail business only and has agreed to comply with all recommended conditions of approval, which, among other restrictions, limit the display of merchandise to the in-doors. When the applicant left the premises in 2001, it abandoned its prior noncomplying status and must now comply with the 1992 ordinance, which requires a special use permit for motorcycle rental and sales.

ZONING

The subject property is located in the CSL/Commercial service low zone. Section 4-303 of the zoning ordinance allows motor vehicle sales in the CSL/Commercial service low zone only with a special use permit.

MASTER PLAN

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

II. STAFF ANALYSIS

Staff has no objection to the proposed retail use located at 430 Hume Avenue. Staff believes the applicant's assertion that the specialized nature of its business will not generate a greater parking demand than the two designated spaces that are currently available on-site.

Staff has included conditions that prohibit repairs, service operations and outdoor display, and that require two parking spaces to be maintained. Staff also included a condition requiring a review of the business after it has been operational for one year so that if there are problems with its operation, new or additional conditions may be added.

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

III. RECOMMENDED PERMIT 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. The applicant shall provide at least two on-site parking spaces. (P&Z)
3. The hours of operation shall be limited to between 9:00 A.M. and 7:00 P.M. Monday through Saturday, and between 12:00 P.M. and 3:00 P.M. on Sundays. (P&Z)
4. The applicant shall post the hours of operation at the entrance to the business. (P&Z)
5. No repairs or service operations shall be performed on site. (T&ES)
6. Outdoor display of merchandise is prohibited. (P&Z)
7. The applicant shall work with staff to establish a route and time schedule for the test driving of mopeds and scooters. (P&Z)
8. The arrangement of mopeds on site and within the structure shall not obstruct or impair the movement of patrons or employees within the structure and shall not obstruct access to emergency exits. (CE) (P&Z)
9. The use and storage of flammable and combustible liquids on site shall comply with the provisions of the Virginia Statewide Fire Prevention Code and shall not constitute a hazard to the occupants or adjacent tenants. Accumulation of oil, grease, gasoline and other flammable and combustible liquids upon the ground shall be promptly removed and disposed of in an approved manner in accordance with City, State and Federal regulations. (CE) (P&Z)
10. Deliveries shall occur during the business hours on the designated on-street loading space in front of the store. (P&Z)
11. Litter on the site and on public rights-of-way and spaces adjacent to or within 50 feet of the premises shall be picked up daily. (P&Z)
12. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. This is to be completed prior to the business opening. (Police)

13. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees. (Police)
14. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements. (P&Z)
15. 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.

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 No repairs or service operations shall be performed on site.
- 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.
- F-1 Although the applicant indicates that employee parking is provided in the rear parking area, on-street customer parking is very limited. However, T&ES believes this low impact operation will not make a significant demand on available on-street parking.

Code Enforcement:

- F-1 In March, 2001, the applicant operated a moped repair business at the same location. The business was closed and the property was declared unfit for human habitation due to the following conditions:
 - Excessive storage of flammable and combustible materials
 - Moderate amount of flammable and combustible liquids spilled on the floor.
 - Inaccessible exits and aisles.
 - Inoperative heating and plumbing system.
 - Electrical system in disrepair.
 - Defective interior surface conditions.
- F-2 On November 7, 2003, the applicant was found moving mopeds into the business without approval of the submitted SUP. The applicant was given notice to remove the property. All mopeds were removed within 2 hours of the notice.
- F-3 On November 10, 2003, the applicant was again found moving property into the business without SUP approval or the appropriate permits from Code Enforcement. The applicant moved in at least twelve moped, three of which contained fuel in their fuel tanks, which is a violation of the Fire Code without proper permits and safeguards in place. The applicant was issues formal notice to remove the property

by November 11, 2003. On November 11, 2003, a reinspection revealed the property was removed.

- C-1 The proposed use is a change in use group classification (M - Mercantile to B - Business); a new Certificate of Occupancy is required (USBC).
- C-2 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 118.0.
- 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 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application. An inventory and MSDS sheets for hazardous materials are required.
- C-6 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-7 This structure contains mixed use groups [M, Mercantile; B, Business] and is subject to the mixed use and occupancy requirements of USBC.
- C-8 The total quantity of gasoline permitted (in approved containers and fuel tanks) on site without an approved automatic fire suppression system shall be limited to 10 gallons total.
- C-9 The arrangement of mopeds on site and within the structure shall not obstruct or impair the movement of patrons or employees within the structure and shall not obstruct access to emergency exits.
- C-10 The use and storage of flammable and combustible liquids on site shall comply with the provisions of the Virginia Statewide Fire Prevention Code and shall not constitute a hazard to the occupants or adjacent tenants. Accumulation of oil, grease, gasoline

and other flammable and combustible liquids upon the ground shall be promptly removed and disposed of in an approved manner in accordance with City, State and Federal regulations.

- C-11 Smoking on the premises shall be prohibited.
- C-12 The use of open flame devices on the premises shall be prohibited.
- C-13 Heat producing appliances (building heating systems) shall be suitable for the locations in which they are installed and shall comply with NFPA 30A and the International Mechanical Code or the International Fuel Gas Code.

Health Department:

- F-1 No comments.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. This is to be completed prior to the business opening.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.