

Docket Item # 2
SPECIAL USE PERMIT #2003-0109

Planning Commission Meeting
February 3, 2004

ISSUE: Consideration of a request for a special use permit for a temporary new home customer service office.

APPLICANT: Madison Homes Inc.
by Greg Poulson

LOCATION: 1001 Bernard Street

ZONE: CSL/Commercial Service Low

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and permit conditions found in Section III of this report.

I. DISCUSSION:

REQUEST

The applicant, Madison Homes Inc., by Greg Poulson, requests special use permit approval for a temporary office trailer located at 1001 Bernard Street.

PROPERTY DESCRIPTION

The subject property is one lot of record with 100 feet of frontage on Bernard Street, 110 feet of depth on Portner Road, and a total lot area of 11,000 square feet. The site is currently undeveloped.

PROJECT DESCRIPTION

On September 14, 2002, City Council approved a special use permit for a temporary trailer at this location. The trailer was required to be removed twelve months from the time of City Council approval. The trailer was never removed, and as a result of enforcement efforts, including fines, the applicant filed this application requesting that the trailer remain. Staff visited the subject property and found no other violations to the special use permit.

The temporary trailer is used as an office by two customer service employees to provide assistance to new homeowners at the 38-unit, Old Town Crescent development, which is located immediately to the east. The service personnel respond to issues covered under the 12-month warranty of the units. The applicant explained that the service personnel are still needed on the site to finish the remaining condominiums that are still under the warranty period, and given the number of units, it is most efficient and convenient to have the service personnel in the immediate vicinity of the units. The applicant anticipates that the trailer will be needed until the end of February 2004.

Code Enforcement staff visited the premises and observed trash, debris and construction materials being stored in an unapproved manner under the trailer, and observed that the trailer was not handicapped accessible and did not bear a seal showing compliance with the Virginia Industrialized Building Code as required.

PARKING

Under Section 8-200 (A) (18) of the zoning ordinance, an office with 160 square feet of space requires one parking space. In this case, the applicant provides three parking spaces on site in a gravel drive, which accommodates the two regular employees.

OTHER APPLICATIONS

There is an application by Madison Homes Inc. on file for a development site plan at the subject location that proposes a residential development of nine townhouse condominiums (DSP#2003-0044). The case is not yet scheduled for a hearing.

ZONING

The subject property is located in the CSL/Commercial service low zone. Section 7-1101 (C) of the zoning ordinance allows an office trailer only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Northeast Small Area Plan chapter of the Master Plan.

II. STAFF ANALYSIS:

Staff does not object to the proposed temporary trailer located at 1001 Bernard Street. Although staff is concerned that the applicant violated the previous SUP by not removing the trailer at the approved time and that there are Code violations on the property, the trailer is proposed to be removed by the end February, which is only a matter of weeks. Staff has included a condition requiring that the trailer be removed by March 1, 2004. Except for the duration of the permit, the applicant is otherwise in compliance with the special use permit conditions.

With this condition, staff recommends approval of the SUP.

III. PERMIT 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 business or entity in which the applicant has a controlling interest. (P&Z)
2. 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 container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
3. The applicant shall install lattice around the bottom of the trailer as screening and shall install and maintain landscaping as depicted on the attached landscaping plan approved by Director of Planning and Zoning and to her satisfaction. (P&Z)
4. 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, or more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z)

5. **CONDITION AMENDED BY STAFF:** The trailer shall be removed by March 1, 2004. ~~twelve months from the date of approval of this special use permit.~~ (P&Z)
6. The facility shall not encroach upon the city right-of-way or the emergency vehicle easement. (T&ES)
7. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the trailer. (Police)
8. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday. (P&Z)
9. A sign shall be placed at the entrance of the parking area restricting access to employees only. (T&ES)
10. The applicant shall require that its employees who drive to work use off-street parking. (P&Z)
11. **CONDITION ADDED BY STAFF:** The applicant shall make repairs to public rights-of-way that may have been damaged during the operations of this facility to the satisfaction of the Director of T&ES. (T&ES)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, 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 A sign shall be placed at the entrance restricting access to employees only.
- R-2 The facility shall not encroach upon the city right-of-way.
- R-3 The applicant shall make repairs to public rights-of-way that may have been damaged during the operations of this facility to the satisfaction of the Director of T&ES.

Code Enforcement:

- F-1 An inspection was conducted on 11/24/03 of the property. No one was present at time of inspection. Below are repeat comments from an inspection 7/10/02 and the current status of these comments:
 - C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC). No apparent construction has occurred since July, 2002 Steps do not comply with USBC.
 - C-2 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
 - C-3 The trailer shall bear a seal showing compliance with the Virginia Industrialized Building Code. No seal located on trailer.
 - C-4 A handicapped accessible entrance, parking, and bathroom facilities shall be provided. Trailer is not handicap accessible.
- F-1 Trash, debris and construction materials shall not be stored under trailer. All trash and debris shall be disposed of in an approved container. All construction materials shall be stored in an approved manner. Trash still on property as of 11/24/03. See attached photos.

F-2 All paints shall not be stored under the trailer. Paints shall be stored in an approved manner. No paints located at time of inspection.

Health Department:

F-1 No comments.

Police Department:

F-1 Concur