

Docket Item #7  
SPECIAL USE PERMIT #2003-0124

Planning Commission Meeting  
March 2, 2004

**ISSUE:** Consideration of a request to extend the exiting umbrella special use permit by twenty years.

**APPLICANT:** ProLogis Trust  
by M. Catharine Puskar, attorney

**LOCATION:** 5150, 5200, 5230 Eisenhower Avenue  
Eisenhower Industrial Center

**ZONE:** OCM-100/Office Commercial Medium, and  
OCH-100/Office Commercial High

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

**I. DISCUSSION**

REQUEST

The applicant, ProLogis Trust, requests approval of a 20-year extension of the special use permit allowing a variety of noncomplying and special uses at the Eisenhower Industrial Center at 5150-5230 Eisenhower Avenue.

SITE DESCRIPTION

The subject property contains two lots of record with a total of 732 feet of frontage along Eisenhower Avenue, a depth of approximately 340 feet, and a total area of 9.5 acres. Three one-story concrete masonry buildings have been constructed on the site. The buildings, which total 196,315 square feet, are subdivided into 15 units occupied by a variety of light industrial and warehouse uses. The railroad abuts the property to the south. Across Eisenhower Avenue is the City's waste-to-energy facility. Ingress and egress is available from Eisenhower Avenue. The site contains a total of 241 parking spaces.

REQUEST DESCRIPTION

Condition # 8 of SUP #95-0180 required a review of the use permit by City Council in February, 2006. The applicant has some vacant space as well as some leases that are about to expire on the property. In order to lease the vacant space and extend existing leases, the applicant needs to extend the use permit to ensure that the uses set forth therein will remain permitted uses on the property beyond the current 2006 review period. Therefore, the applicant proposes to extend the use permit by twenty years to permit the continuation of the existing businesses and occupancy by any new businesses interested in leasing space in the Eisenhower Industrial Center.

SUP HISTORY

Uses allowed under the umbrella special use permit are derived from three mechanisms: noncomplying uses that have existed since prior to June, 1992, I/Industrial zone uses, and OCH/Office Commercial High special uses.

Based on occupancy as of June 24, 1992, the following noncomplying uses are permitted to continue to occupy the following amount of space in the Center, by zone, without a special use permit:

<b>OCM(100)</b>	
Storage	22,940 sq. ft.
Manufacturing and assembly	13,695 sq. ft.
<b>OCH</b>	
Storage	18,000 sq. ft.
Research and testing	6,644 sq. ft.
Manufacturing and assembly	90,400 sq. ft.
Printing	<u>6,000 sq. ft.</u>
<b>Total Area</b>	<b>157,679 sq. ft.</b>

Besides the right to the specific uses above, the existence of noncomplying uses also carries with it the right to change those uses to other ones pursuant to Section 12-302(B)(2) of the Zoning Ordinance. This provision states that a noncomplying use may be changed, with a special use permit, to any use allowed in the zone in which such noncomplying use is first listed in the ordinance.

The relevant noncomplying uses first appear in the Zoning Ordinance in the I/Industrial zone. Therefore, under the above provision, the applicant may apply for any use in the I/Industrial zone with a special use permit, at least for 157,679 square feet of space.

Finally, under the current OCM(100) and OCH zone, the applicant has available to it certain uses with approval of a special use permit.

On February 24, 1994, City Council granted SUP#95-0180, the umbrella special use permit to allow a variety of uses without separate special use permit approval for each one. Neither the applicant nor tenants are required to apply for a special use permit each time an individual tenant space is filled with a new use from the following list:

Noncomplying uses:

- Warehouse and storage
- Research and testing
- Manufacturing and assembly
- Printing and publishing facilities

I/Industrial uses:

- Carpenter shop and repair services
- Warehouse and storage
- Building materials storage and sales
- Catering operation
- Manufacturing
- Printing and publishing facilities
- Research and testing
- Retail

Special Uses allowed in both OCM(100) and OCH :

- Light automobile repair
- Wholesale business
- Convenience store
- Motor vehicle parking or storage
- Social service use

OCM(100) Special Uses\*:

Catering operation  
Research and testing

OCH Special Uses\*\*

Retail, on a lot which does not include an office building.

\* These uses are not allowed in the OCH zone.

\*\* Retail allowed in the OCH zone only by Special Use Permit, unless it is located within an office building.

ZONING / MASTER PLAN

The subject property is zoned OCM(100) and OCH. The proposed uses are consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property OCM(100) and OCH, or are noncomplying.

**II. STAFF ANALYSIS**

Staff has no objection to the continued use of the umbrella special use permit #95-0180 for the Eisenhower Industrial Center. Staff is not aware of specific redevelopment proposals for this site.

Staff supports the use of the umbrella SUP in cases such as this one because it allows the owner of an industrial/warehouse building maximum flexibility in leasing its space. On January 8, 2004 staff visited the subject property and found it to be in compliance with the existing SUP.

Aside from the proposed amendment of condition #8, the applicant proposes no additional changes to the center's operation and permitted uses.

Staff concurs with the applicant's proposal and recommends approval of the special use permit.

**III. RECOMMENDED 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 corporation in which the applicant has a controlling interest. (P&Z) (SUP#95-0180)
2. The following uses are permitted on the subject property:

**Uses permitted through noncomplying use provisions  
(section 12-302(b)(2):**

Warehouse and storage  
Research and testing  
Manufacturing and assembly  
Printing and publishing facilities  
Carpenter shop and repair services  
Building materials storage and sales  
Catering operation (in OCH zone)  
Retail (in OCH zone)

**Special Uses allowed in both OCM(100) and OCH:**

Light automobile repair  
Wholesale business  
Convenience store  
Social service use

**Special Uses allowed only in OCM(100):**

Catering operation  
Research and testing (P&Z) (SUP#95-0180)

3. No more than 157,679 square feet of building area may be occupied by uses that are only available through the noncomplying use provisions (section 12-302(B)(2)) of the zoning ordinance. (P&Z) (SUP#95-0180)
4. This approval is valid as long as the existing buildings remain unchanged. A "change" of the existing buildings sufficient to invalidate this approval is one that requires a site plan under section 11-403 of the zoning ordinance. (P&Z) (SUP#95-0180)

5. Any motor vehicle repair operation shall comply with the following conditions: (P&Z) (SUP#95-0180)
  - A. All vehicles stored on the property shall be parked in a neat and orderly fashion at all times.
  - B. All repair work shall be done inside the building and none shall be done outside.
  - C. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure.
  - D. No vehicles shall be displayed, parked, or stored on a public right-of-way.
  - E. The area around the garage shall be kept free of debris and maintained in an orderly and clean condition.
  - F. No vehicles shall be loaded or unloaded on the public right-of-way.
  - G. No debris or vehicle parts shall be discarded on the public right-of-way.
  - H. No amplified sound shall be audible at the property line.
6. Any convenience store operation shall comply with the following conditions:
  - A. No quantity of beer smaller than a six-pack and no fortified wines (any wines with alcohol content of 14 percent or greater) shall be sold.
  - B. The hours of operation shall be limited to between 6:00 A.M. and 11:00 P.M. (P&Z) (SUP#95-0180)
7. No single tenant may occupy more than 25% of the total floor area of the subject building space, or 49,080 square feet, for one of the above uses except warehouse and storage. (P&Z) (SUP#95-0180)
8. **CONDITION AMENDED BY STAFF:** This special use permit shall be reviewed ~~ten~~ twenty years from the date of approval by City Council in ~~February, 2006~~ March, 2024 (P&Z) (SUP#95-0180)
9. **CONDITION ADDED BY STAFF:** Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

10. **CONDITION ADDED BY STAFF:** The applicant shall control cooking 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)
11. **CONDITION ADDED BY STAFF:** Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
12. **CONDITION ADDED BY STAFF:** 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)
13. **CONDITION ADDED BY STAFF:** 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, extension 166. (T&ES)
14. **CONDITION ADDED BY STAFF:** No paint or coatings shall be applied outside of a paint spray booth and no material shall be disposed of by venting into the atmosphere. (T&ES)

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

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**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:

- 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 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control cooking 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-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 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-5 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, extension 166.
- R-6 No paint or coatings shall be applied outside of a paint spray booth and no material shall be disposed of by venting into the atmosphere.

Code Enforcement:

- F-1 No comment.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are non-transferable.
- C-3 Permits must be obtained prior to operation.



- C-4 Five sets of plans are to be submitted to and approved by this department prior to construction of any facility regulated by the health department.
- C-5 Plans for food facilities must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-6 Pool plans must comply with Title 11, Chapter 11, Swimming Pools. Tourist establishment pools must have six (6) sets of plans submitted.
- C-7 Personal grooming facilities must comply with Title 11, Chapter 7, Personal Grooming Establishments.
- C-8 Tanning Salons must meet State Code Title 59.1, Chapter 24.1, Tanning Facilities.
- C-9 Massage facility plans must comply with Title 11, Chapter 4.2, Massage Regulations. All massage therapists must possess a current massage therapist certification, issued by the Commonwealth of Virginia in accordance with the Code of Virginia Chapter 599, § 54.1-3029 and must possess an Alexandria Massage permit in accordance with Alexandria City Code Title 11, Chapter 4.2 prior to engaging in any massage activity.
- C-10 Coin-operated dry cleaning facility plans must comply with Title 9, Chapter 4, Coin operated Dry Cleaning Establishments.
- C-11 Coin-operated laundry plans must comply with Title 9, Chapter 5, Coin Operated Laundries.
- C-12 Hotels/Motels must comply with State Code 35.1, Hotels, Restaurants, Summer Camps, and Campgrounds.
- C-13 Marina plans must comply with the provisions of Section 32.1-246 of the Code of Virginia. Information to be included in the plans submittal is to be as required by the Code of Virginia.
- C-14 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.
- C-15 Food must be protected to the point of service at any outdoor dining facility.

Police Department:

- F-1 No objections.