

Docket Item #14
SPECIAL USE PERMIT #2004-0011

Planning Commission Meeting
April 6, 2004

ISSUE: Consideration of a review of a special use permit.

APPLICANT: On-Site Sourcing
by Harry P. Hart, attorney

LOCATION: 800 - 840 North Henry Street

ZONE: CRMU-H/Commercial Residential Mixed Use

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.

I. DISCUSSION

REQUEST

This case is before the Planning Commission and City Council for a review of the existing special use permit for On-Site Sourcing, represented by Harry P. Hart, attorney, located at 800-840 North Henry Street.

SITE DESCRIPTION

The subject property is one tax parcel of record, originally platted as 11 narrow lots, with 458 feet of frontage on North Henry Street, 247 feet of frontage on Madison Street and 437 feet of frontage on North Fayette Street. The parcel contains a total lot area of 113,100 square feet or 2.6 acres.

The site is developed with a one story industrial building that was built in 1955 and contains 69,859 square feet of floor area. The entire remainder of the site is paved for parking areas. Access to the parking is from North Henry Street, North Fayette Street and Madison Street. Directly north of the site is the Carpenters Shelter building and Tony's Auto Service garage. To the east across Henry Street is the Samuel Madden Homes – Uptown public housing. South of the property across Madison Street is the Lofts residential development. To the west across North Fayette Street are three residential developments: the Braddock Place condominiums, Meridian at Braddock Station (formerly Potomac Club I and Potomac Club II apartments).

SUP HISTORY

On June 16, 2001, City Council granted Special Use Permit #2001-0044 for a parking reduction of 68 spaces, provided the applicant implement the parking management plan it represented in its parking analysis report, which included, at a minimum, charging for parking, offering transit subsidies and participating in the Metrochek and JobLink programs. The applicant is also required to submit a parking demand analysis in June 2006, and in five year increments thereafter, which includes an employee count, employee parking demand and transit use, and any other factors of the use of the site which add to or reduce parking demands.

Additionally, the applicant agreed to undertake extensive site improvements which were required under a four-part program which consists of the following components:

- facade improvements to include painting the building, signage, awnings, windows, the conversion of loading doors to the extent practicable;
- landscaping to include street trees along North Fayette Street and Madison Street, an improved North Henry Street frontage, and significant additional landscaping at the southeast and southwest corners of the site;

- redesign of North Fayette Street frontage to create parallel on-site parking spaces, public on street parking spaces, curbing, sidewalk and street trees;
- general site improvements, including striping for parking spaces, lighting, dumpster location, with screening, and paving improvements.

The timing of the work was phased to coincide with the applicant's ability to occupy the entire site. Pursuant to Condition #5 of the special use permit, the work on the North Henry Street and Madison Street frontages was originally required to be completed by June 2002, and the improvements to the North Fayette Street frontage were required to be completed by December 31, 2003.

In January 2003, the applicant had only completed facade upgrades, including painting the building and installing coordinated awnings. The applicant filed special use permit #2003-0008 requesting permission to amend Condition #5 in order to allow them to complete the improvements on North Fayette Street by December 31, 2004 and the other improvements on North Henry and Madison Streets by the end of 2003. SUP #2003-0008 was granted by City Council on April 12, 2003.

REVIEW DESCRIPTION

On January 22, 2004 staff inspected the site in order to determine whether the applicant had completed the required site improvement by the December 31, 2003 deadline. Staff observed that the construction of sidewalks along North Henry Street and Madison Street has been done and that the applicant has begun to install landscaping on the parking lot facing North Henry Street (Condition #15). However, staff found that several site improvements required under condition #5 had not been installed and issued a ticket for the following violations:

- (a) Failure to install landscape improvements/trees along Madison Street, the southeast or the southwest corner of the site, and landscaping between the street trees along North Henry Street;
- (b) Insufficient improvements on the south side of the private property and curb cut along Madison Street (pot holes, weeds etc.);
- (c) Failure to install islands and lighting on the on-site parking lot facing North Henry Street;
- (d) Defaced sign on the facade of 810 North Henry Street.

In addition, staff has received complaints from neighbors in the new Lofts development to the south who are concerned about the slow pace of promised improvements.

In order to suspend enforcement actions, staff required that the applicant agree in writing to an amended schedule so that the above landscaping and improvements would be installed by April 15, 2004 (see Attachment 1). The applicant and representatives responded immediately and submitted the requested agreement on January 29, 2004, acknowledging receipt of the list of violations and stating its intention to resolve the outstanding issues by March of 2004 (see Attachment 2). Furthermore, the applicant's attorney indicates that On-Site Sourcing, Inc. has let purchase orders for all required site improvements and that the bids for this work were received from D&F Construction, Inc., the contractor of record for the City of Alexandria. He further stipulates that all of the funds for these actions have either been paid to the contractor or have been accrued in 2003 by On-Site, and that it is the intention of On-Site Sourcing, Inc. to disperse these funds to the contractor upon successful completion of the agreed to scope of work.

On February 17, 2004, staff met with the applicant on-site and observed that the work for the required site improvements on the parking lot facing North Henry Street was proceeding.

On March 1, 2004, the applicant submitted a letter (see Attachment 3) stating that it is in full compliance with the parking management plan under condition #4, having implemented policies that include charging for parking, offering transit subsidies and participating in the Metrochek and JobLink programs.

On March 8, 2004, staff visited the site to determine the status of the site improvements and observed that the applicant had (1) installed islands on the parking lot facing North Henry Street, (2) striped most of the parking lot facing North Henry Street, and (3) covered the defaced sign at 810 North Henry Street in accordance with the existing facade improvement program. The following improvements are yet to be completed by April 15, 2004:

- (a) Install landscape improvements/trees along Madison Street, the southeast and the southwest corner of the site, and landscaping between the street trees along North Henry Street;
- (b) Improve the curb cut and south side of the private property along Madison Street pursuant to the approved site plan;
- (c) Install lighting and landscaping within the islands on the parking lot facing North Henry Street.

The applicant has represented to staff that the work will be completed by April 15, 2004.

ZONING/MASTER PLAN

The subject property is located in the CRMU-H/High density mixed use zone. Business and professional offices are permitted in the zone. The site is located in Braddock Metro Small Area chapter of the Master Plan which designates the property for high density mixed use.

II. STAFF ANALYSIS

Since approval of the original special use permit in June 2001, the applicant has undertaken major improvements of the site, including striping of parking spaces on North Fayette Street and the on-site parking lot, facade upgrades such as painting the building and installing coordinated awnings, some landscape and island installments on the parking lot facing North Henry Street, and, most significantly, construction of new sidewalks along North Henry and Madison Street.

The applicant has been working with staff on the timing and implementation of the site improvements and has agreed to complete all work required by December 31, 2003, by April 15, 2004.

Staff recommends an amended condition #20, which requires a review after the deadline for the completion of all remaining site improvements in December of 2004, in addition to a review five years after approval of the original 2001 special use permit in June 2006.

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 corporation in which the applicant has a controlling interest. (P&Z)(SUP #2001-0044)
2. A parking reduction is permitted for this particular applicant for the number of spaces shown on the parking plan as prepared by Artemel and Associates, provided that the use of the site may not change in a way that increases the parking demand, and provided that the applicant successfully completes all of the improvements to which it has committed including the creation of legal parking spaces on the site and on the public street. Minor adjustments due to final engineering of the plan may be made to staff's satisfaction. (PC) (SUP #2001-0044)
3. The applicant shall provide a parking demand analysis five years from this approval and in five year increments thereafter which include an employee count, employee parking demand and transit use, and any other factors of the use of the site which add to or reduce parking demands. (P&Z) (SUP #2001-0044)

4. The applicant shall implement the parking management plan represented in its parking analysis report, which includes, at a minimum, charging for parking, offering transit subsidies and participating in the Metrochek and JobLink programs. (P&Z) (SUP #2001-0044)
5. The applicant shall work with staff, provide detailed, dimensioned plans for approval by Planning and Zoning, Transportation and Environmental Services, Code Enforcement and the Police, and shall implement the following site and building improvements:
 - a) a facade improvement program, to include painting the building, signage, awnings, windows, the conversion of loading doors to the extent practicable, and studying the feasibility of inserting the loading doors further into the building to accommodate trucks, if necessary based upon the size of the trucks delivering to the site. If it becomes apparent that the loading doors should be inserted into the building, the applicant shall have until December 2004 to do so.
 - b) a landscaping plan generally consistent with the applicant's proposed plan, to include street trees along North Fayette Street and Madison Street, an improved North Henry Street frontage, and significant additional landscaping at the southeast and southwest corners of the site.
 - c) a North Fayette Street frontage redesign program generally consistent with the applicant's proposed plan, to include the elimination of existing head in parking, and curb cut, repaving of the asphalt on-site, the creation of parallel on-site parking spaces, public on street parking spaces, curbing, sidewalk and street trees.
 - d) an overall site improvement plan, including striping for parking spaces, lighting, dumpster location, with screening, and paving improvements.

The timing of the above improvements shall be as follows: all work on the North Henry Street and Madison Street sides of the building shall be completed by December 31, 2003; improvements to the North Fayette Street frontage shall be completed by December 31, 2004. (P&Z) (PC) (SUP #2003-0008)
6. Loading at the site shall be limited to between 7:00 a.m. and 11:00 p.m Monday through Saturday. (P&Z) (SUP #2001-0044)
7. No vehicles, including trucks for loading/unloading are permitted to extend into the North Fayette Street frontage beyond the width of a parked vehicle at the public curb. (P&Z) (SUP #2001-0044)

8. All lighting shall be directed downward and shall be screened at the sides to avoid glare on the street and on adjacent properties to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2001-0044)
9. All On-Site delivery vehicles shall park off the street when not in use. (PC) (SUP #2001-0044)
10. 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) (SUP #2001-0044)
11. No materials or supplies shall be stored outside the building. (P&Z) (SUP #2001-0044)
12. The pole mounted Duron paint sign shall be removed at the termination of the Duron tenant lease; no pole mounted signs may thereafter be installed. (P&Z) (SUP #2001-0044)
13. The applicant shall apply for an encroachment approval for any use of the public right of way. (P&Z) (SUP #2001-0044)
14. A plot plan showing all improvements or alterations to the site shall be approved by the Department of Transportation & Environmental Services before a building permit may be issued. (T&ES) (SUP #2001-0044)
15. Replace existing asphalt sidewalk on North Henry Street frontage with city standard concrete sidewalk, full width, from curb to property line by December 31, 2003. (P&Z) (SUP #2003-0008)
16. Repair asphalt paving behind the sidewalk on Madison Street side of property. (T&ES) (SUP #2001-0044)
17. Repave parking area on North Fayette Street frontage to the satisfaction of the Director of Transportation and Environmental Services. (PC) (SUP #2001-0044)
18. Provide a parking and striping plan satisfactory to the director of T&ES. Improvements to the right-of-way shall meet city design standards. (T&ES) (SUP #2001-0044)
19. Provide lighting within the parking lot and perimeter parking areas to meet minimum city standards. (T&ES) (SUP #2001-0044)

20. CONDITION AMENDED BY STAFF: The Director of Planning and Zoning shall review the special use permit at two points in the future: in ~~April 2004~~, December 2004 and five years after approval of the original SUP in June 2006. At either point, the Director 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 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 #2003-0008) (P&Z)~~

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

- F-1 On June 14, 2002 the City approved a development plan (PLT#2001-0009) for the required improvements to the site related to SUP#2001-0044.
- F-2 A recent site inspection found that the public improvements in the right of way of North Henry Street are complete and acceptable.
- F-3 Additional work is necessary as to the Madison Street proposed city standard driveway apron, parking spaces and green space.
- F-4 The proposed improvements to North Fayette Street frontage do not have to be completed until December 31, 2004.
- F-5 The proposed improvements to the on-site lighting on the N. Henry Street parking lot are not complete.
- R-1 Applicant shall complete the site improvements as required by SUP #2003-0008 and shown on the approved plan.

Code Enforcement:

- F-1 Site improvements on going at time of inspection.
- F-2 BLD2003-02538 for 800 N. Henry was applied for on 11/25/03 but has not been issued. Tenant space appears vacant.
- F-3 OCC2003-00502 was applied for 800 N. Henry Street. There has been no activity on this case since 10/29/03.
- F-4 OCC2001-00900 was applied for on 8/17/01 for 802 N. Henry Street. There has been no activity on this application since 2001. The tenant space appears vacant.

SUP #2004-0011
800-840 North Henry Street