

Docket Item #8  
SPECIAL USE PERMIT #2005-0017

Planning Commission Meeting  
May 3, 2005

**ISSUE:** Consideration of a request for a special use permit to operate an automobile rental and leasing business.

**APPLICANT:** Fitzgerald Automall  
by Peter Sypolt

**LOCATION:** 408 East Glebe Road and 3006 Jefferson Davis Highway

**ZONE:** CSL/Commercial Service Low

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**STAFF RECOMMENDATION:** Staff recommends **denial** of this application. Staff finds that the proposed automobile-oriented use is inconsistent with the vision for redevelopment along Route 1 and Potomac Yard, and is inconsistent with City Council's vision of creating Urban Villages.

**SITE GRAPHIC**  
**AVAILABLE IN THE PLANNING AND ZONING OFFICE**

**I. DISCUSSION**

REQUEST

The applicant, Fitzgerald Auto Mall subsidiary All-Car Leasing, Inc., requests special use permit approval for the operation of a automobile rental and leasing facility located at 408 East Glebe Road and 3006 Jefferson Davis Highway.

SITE DESCRIPTION

The subject property is an irregular “L-”shape site and consists of two lots of record with approximately 90 feet of frontage on East Glebe Road, approximately 124 feet of frontage on Jefferson Davis Highway and a total lot area of approximately 19,567 square feet. The site is developed with a one-story building. There are five curb cuts to access the property, two are located on Jefferson Davis Highway, and the other three are located on East Glebe. Only the East Glebe curb cuts are currently accessible because of a perimeter fence that was built over the curb cuts along Jefferson Davis Highway.



408 East Glebe Frontage



3006 Jefferson Davis Hwy Frontage

In the near vicinity of the site, to the north and west, are townhome and single family residences. Immediately to the north of the site is the former Cope’s Auto Repair business, now known as Potomac Yard Motors. To the east is the Del Ray Glass company. A marble and granite business is across Glebe. To the west and south of the site across the street is Boyle Motors. Wagonwork Collision Center is in the near vicinity on Clifford Avenue. To the east across Jefferson Davis Highway is the proposed Potomac Yard development site.

PROPOSAL

The applicant proposes to operate an automobile rental and leasing operation. The hours of operation will be Monday through Friday from 7:30 a.m. to 7:30 p.m., and 8:00 a.m. to 5:00 p.m. on Saturday and Sunday. According to the applicant, the business will serve approximately 3.5 patrons each hour (42 customers each weekday). Repair will be conducted off-site, except that

408 East Glebe Road and 3006 Jefferson Davis Highway

cleaning and detailing will take place on-site inside the building. A total of 28 vehicles will be parked on-site at any one time, which includes three employee vehicles and 25 rental/leasing vehicles.

On April 4, 2005, staff attended the Lynhaven Civic Association meeting where the applicant presented the proposal. He discussed plans for improving the property with landscaping, and orienting the business to Jefferson Davis Highway, utilizing the existing curb cuts. The applicant never submitted these plans to staff, despite repeated requests.

On April 21, 2005, staff attended the Del Ray Land Use Committee meeting where the applicant presented this proposal. The Committee voted against the application.

#### BACKGROUND

There is a history of violations at the property under the current owner, including an illegal automobile repair and sales business. The illegal business was ordered closed by the Code Enforcement Department in December 2000. Following this enforcement action, the applicant filed a SUP application to allow light automobile repair and sales at this location. Staff recommended denial of that application, and the applicant withdrew the application prior to a decision by the Planning Commission or Council. Since that time, the property has been vacant. The property was placed in the Spot Blight program in 2001 and was removed from Spot Blight in January 2004. In 2002, 223 Civil Penalty tickets were issued to this property by Code Enforcement for interior and exterior violations. All of the violations that lead to the Spot Blight case have been corrected. There is currently a *lis pendens* on the subject property, and a civil forfeiture case against it. The property was allegedly involved in bankruptcy fraud and money laundering. The owner has 120 days from February 22, 2005 to pay the Federal Government the debt that arises from his criminal conduct.

The applicant is a proposed lessee of the property and currently operates several automotive dealerships in Maryland, Pennsylvania, and Florida. Besides dealerships, the applicant operates 20 vehicle rental locations throughout Maryland and Virginia.

#### ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CSL/Commercial Service Low zone. Section 4-303(B) of the Zoning Ordinance allows automobile rental in the CSL zone only with a special use permit.

The proposed use is located in the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial and service uses.

## II. STAFF ANALYSIS

The City recommends denial of this discretionary special use permit for an automobile repair station due to the proximity of established and planned residential neighborhoods. The automobile-oriented use is inappropriate at this location given the impacts of existing automobile-oriented businesses, including Boyle's, Potomac Yard Motors and Wagonwork Collision Center, on the nearby residential area, and because the proposal is inconsistent with the approved plans and character of the planned redevelopment of the Route 1/Potomac Yard corridor.

The planned character for Route 1 is a character similar to Washington Street, with a mix of uses and building types, a more urban and pedestrian character, and transit and pedestrian amenities. Route 1 will be the "urban boulevard" that will serve as the spine for the redevelopment of Potomac Yard and the Route 1 corridor. The development of Potomac Yard will begin in the next couple years with the construction of the streets, including improvements to Route 1 which will consist of a central landscaped median and wide sidewalks on the eastern portion, parks, and the straightening of the Monroe Avenue bridge.

The subject property is also immediately south of the future "town center" for Potomac Yard, which will be the area that will have the greatest mix of uses and transit accessibility, and is intended to be a civic area for the community and the City. Providing an auto repair station with an industrial character is completely inappropriate for this visually prominent location adjacent to the town center for Potomac Yard.

Similar to the transformation in planned areas such as East Eisenhower, the plan for Potomac Yard will begin to be realized in the upcoming years creating the urban village anticipated by the City and the community. This proposal is completely inconsistent with the City's vision for this corridor and gateway entrance to the City.

One of the reasons for establishing the special use permit process is to evaluate the consistency of each proposal on a case-by-case basis with the character of the neighborhood and the approved plans by the City. This proposal fails to meet this most basic test of the special use permit in that it is incompatible with the existing and planned residential development adjoining the site and the overall City plans for the area.

The proposed use is also inconsistent with City Council's "Unique Neighborhoods" and "Urban Village" principles in that it would not provide a significant service to the existing or proposed residences in the area, would add significantly to negative impacts associated with non-residential traffic in the area, and does not promote pedestrian activity or provide a use that can utilize future transit. The additional automobile activity at this location will discourage pedestrian activity in the area, which is a key pedestrian linkage between the new town center in Potomac Yard and the existing neighborhoods to the west.

The Lynhaven, Mount Jefferson, and Del Ray civic associations have in recent years advised staff that they do not support the operation of additional automobile-oriented uses in their neighborhoods along Jefferson Davis Highway. The Del Ray Land Use Committee voted against this proposal at their meeting on April 21, 2005.

Staff recommends denial of the applicant's request in favor of the reuse of this property with a use or uses that serve the neighborhood and is consistent with the City plans for the Route 1 corridor.

### III. RECOMMENDED CONDITIONS

Staff recommends **denial** of this application. If Council approves the request, staff recommends approval subject to compliance with all applicable codes and ordinances and the following 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)
2. The hours of operation shall be limited to 7:30 a.m. to 7:30 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. No junked, abandoned, or stripped vehicles shall be displayed, parked, or stored outside. (P&Z)
5. No vehicles shall be displayed, parked, repaired or stored on a public right-of-way. (P&Z)
6. All vehicles on the lot shall be stored in an orderly manner. (P&Z)
7. Loading and unloading of vehicles, if any, shall take place on-site and during hours of operation. (P&Z)
8. 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)
9. 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 of the City of Alexandria, Virginia. (P&Z)

10. No free standing sign shall be installed on the Jefferson Davis Highway frontage. (P&Z)
11. The existing chain link and barbed wire fence around the property, including along Jefferson Davis Highway, shall be removed. Replacement fencing along the perimeter of the site shall be reviewed and approved by the Director of Planning and Zoning prior to installation. The applicant shall provide a six-foot-wide planter buffer strip between the sidewalk and parking lot area along Jefferson Davis Highway. The buffer strip shall include evergreen shrubs to screen the parking. (P&Z) (T&ES)
12. No public telephones shall be located on the exterior of the business. (P&Z)
13. The applicant shall provide site lighting to meet minimum City standards to the satisfaction of the Director of Transportation and Environmental Services and in consultation with the Chief of Police. If it is determined that additional lighting is needed upon completion of a site lighting survey, the applicant shall provide additional on the building to the satisfaction of the Director of T&ES. (T&ES) (P&Z)
14. All lighting shall be directed downward and shall be screened at the sides to avoid glare on the street and on adjacent residential uses and public rights-of-way to the satisfaction of the Director of Planning and Zoning. (P&Z)
15. The applicant shall close two existing curb cuts along the East Glebe Road frontage of the property and replace them with City standard curb and gutter and sidewalk. The only ingress and egress to the property shall be provided via the existing 20 foot wide curb cut on East Glebe Road. (P&Z)
16. The applicant shall resurface the lot and provide a striping plan to the satisfaction of the Directors of T&ES and Planning and Zoning. (T&ES) (P&Z)
17. The applicant shall remove the two existing driveway curb cuts from along Jefferson Davis Highway and replace with City standard curb, gutter and sidewalk to the satisfaction of the Director of T&ES. (T&ES) (P&Z)

18. The applicant shall provide landscaping on the property to the satisfaction of the Director of Planning and Zoning. The applicant shall submit a plan to the Director for approval prior to installation within 90 days of City Council approval. Landscaping shall include evergreen shrubs along Jefferson Davis Highway (as discussed in condition #11) and removing asphalt at the front of the building on East Glebe and installing landscaping, which may include turf grass. (P&Z)
19. 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)
20. 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 at 703-519-3400 ext. 166. (T&ES)
21. The applicant shall control 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 and Environmental Services. (T&ES)
22. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
23. Car wash discharges resulting from a commercial operations shall not be indiscriminately discharged into a storm sewer system. The applicant shall comply with one of the following four alternatives:
  - a. Car washes be done at an off site commercial car wash facility.
  - b. Wash water may be discharged to sanitary sewers after seeking appropriate approval from Alexandria Sanitation Authority.
  - c. Applicant may choose to seek coverage under a general VPDES (Virginia Pollution Discharge Elimination System) permit issued by Virginia Department of Environmental Quality to discharge wash water from car washes into surface waters/storm sewer and comply with the conditions specified there in.
  - d. Commercial car wash installations shall be equipped with water recycling system approved by the building official. (T&ES)
24. The applicant shall screen and maintain its dumpster to the satisfaction of the Director of Planning and Zoning. (P&Z)



25. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
26. Trees are not to be planted under or near light poles. (Police)
27. All trees are to be limbed up a minimum of 6 feet as they mature to allow for natural surveillance. (Police)
28. No shrubs higher than three feet shall be planted within six-feet of walkways. (Police)
29. This permit shall be reviewed by City Council three years from the date of approval. (P&Z)
30. The Director of Planning and Zoning shall review the special use permit one year after the business is operational 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 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)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Richard Josephson, Deputy Director;  
Valerie Peterson, 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 The applicant shall remove existing driveway curb-cuts from along Jefferson Davis Highway and replace with City standard curb, gutter and sidewalk to the satisfaction of the Director of T&ES.
- R-2 Remove the existing fence from along the Jefferson Davis Highway frontage and provide a 6 foot wide planter buffer strip between the sidewalk and parking lot area.
- R-3 Repair the broken driveway apron edges of both driveways aprons that lead into the lot directly in front of the building.
- R-4 Resurface the entire parking lot and stripe to the satisfaction of the Director of T&ES.
- R-5 If it is determined that additional lighting is needed upon completion of a site lighting survey, the applicant shall provide additional on the building to the satisfaction of the Director of T&ES.
- R-6 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-7 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 at 703-519-3400 ext. 166.
- R-8 The applicant shall control 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 and Environmental Services.

- R-9 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.
- R-10 It is not clear from the SUP application if applicant proposes to have car washing operations on site for the sales or services car. Car wash discharges resulting from a commercial operations shall not be indiscriminately discharged into a storm sewer system. If applicant proposes on-site car washing, the applicant shall comply with one of the following four alternatives available to the applicant:
- a. Car washes be done at an off site commercial car wash facility.
  - b. Wash water may be discharged to sanitary sewers after seeking appropriate approval from Alexandria Sanitation Authority.
  - c. Applicant may choose to seek coverage under a general VPDES (Virginia Pollution Discharge Elimination System) permit issued by Virginia Department of Environmental Quality to discharge wash water from car washes into surface waters/storm sewer and comply with the conditions specified there in.
  - d. Commercial car wash installations shall be equipped with water recycling system approved by the building official.
- F-1 It is not desirable to maintain vehicular access to the site from along Jefferson Davis Highway due to increased traffic demand. There are two existing driveway entrances along Jefferson Davis Highway which need to be removed.
- F-2 The parking lot consist of a combination of gravel, grass and areas of irregular concrete slabs that are cracked or have shifted out of alignment.
- F-3 A third apron that leads into the lot is in acceptable repair, but the driveway into the lot is a mix of broken concrete, gravel and grass.
- F-4 From the front doors to the street the property is either sidewalk or concrete parking lot. The concrete is cracked and in some spots it is shifting.
- F-5 There are lights on the front of the building but one side of the front facade is noticeably without a building light. The site will require a lighting inspection.

Code Enforcement:

F-1 The following information on recent past history of this property is provided below:

On October 6, 2000, the former occupant, and then and current owner, Mr. Daria Karimian was found to be illegally operating a major automotive repair business at this location. During a joint inspection by Planning and Zoning, Code Enforcement and Police, it was discovered that there were numerous violations of the Fire Prevention Code and the Zoning Code.

Also during that inspection, several soil samples were taken as it was believed that there existed great potential for an environmental crime having been committed. There is considerable amount of oil residue throughout the yard area as well as in the storm sewer adjacent to the site. Mr. Karimian operated this same business in a similar fashion at his previous location of 3700 Jefferson Davis Highway. During his years at that location, the City exhausted considerable resources trying to maintain the business in reasonable compliance with applicable State and City code provisions.

The operation at 406-408 East Rd. involved disassembling wrecked automobiles and restoring them to an operable condition and then selling them from the same location. The work involved everything from engine replacement to body and fender work and should not be considered "light automotive repair" as indicated in the application. The operation necessitated considerable storage of body parts which was being stored outside of the building and which were not screened from the public view. There were engine and transmission parts also stored outside on the ground leaking their operating fluids directly into the ground.

The operator of the business was also found to be spray painting cars at this location without the proper equipment and exhausting paint fumes directly into the outside air which was a violation of the Environmental Health and Environmental Protection Regulations for body shops.

On December 6, 2000, after several failed attempts to gain compliance with the myriad of violations at this location the business was ordered closed and remains so to this date. The owner was found to be operating in defiance of the closure order at which time Chief Conner met with Mr. Karimian and his Attorney at which time they agreed that he would abide by the closure order until such time as all permit issues were resolved.

- F-2 The site showed evidence of illegal dumping of automotive operating fluids (e.g., gasoline, oil, antifreeze, etc.).
- F-3 A complete soils report, Certified by a Va. Reg. P.E. was required prior to issuance of SUP in 2000 (which was withdrawn by the applicant prior to City Council). The City conducted a soil remediation survey in November 2003.
- F-4 The property was placed in the Spot Blight program sometime in 2001 and was removed from Spot Blight in January 2004. All of the violations that lead to the Spot Blight case have been corrected.
- F-5 In 2002, 223 Civil Penalty tickets were issued to this property by Code Enforcement for interior and exterior violations. The total unpaid fines to date for this property equals \$32,300.
- F-6 The applicant shall confirm that the subject property is free from seizure by any Federal Government entity prior to occupying the property and conducting the proposed business. The property was the subject of criminal investigations by the Federal Bureau of Investigation in 2002 through 2004.
- C-1 The SUP application indicates no vehicle repairs will be conducted on site. If vehicle repairs are determined to be necessary in the future a Fire Prevention Permit will be required and a Change of Use may be necessary based upon the scope of the intended work.
- C-2 The amount of hazardous materials stored on site for the purpose of detailing vehicles shall be kept below the permitted amounts or a Fire Prevention Permit shall be required.
- C-3 Interior bay floor drains shall conform to the plumbing code for use in detailing of automobiles.
- C-4 The applicant shall contact the Code Enforcement Bureau's Property Maintenance Section to schedule an inspection of the premises in order to ensure that the interior of the structure is in compliance with Code prior to occupying the property.

Health Department:

No comments

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.

**The following recommendation related to site lighting has not been included as a condition; rather, staff has recommended that the applicant maintain lighting to the satisfaction of the Director of T&ES in consultation with the Chief of Police, which will likely result in lower lighting levels than recommended by the Police.**

- R-3 The lighting for the surface lot and all common areas is to be a minimum of 2.0 foot candles minimum maintained.
- R-4 Trees are not to be planted under or near light poles.
- R-5 All trees are to be limbed up a minimum of 6 feet as they mature to allow for natural surveillance.
- R-6 No shrubs higher than 3 feet to be planted within 6 feet of walkways.

**The following recommendation related to landscaping has not been included as a condition because staff finds that mature landscaping at this location will enhance the property.**

- R-7 The proposed shrubbery is to have a maximum height of 36 inches when it matures.

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**REPORT ATTACHMENTS  
AVAILABLE IN THE PLANNING AND ZONING OFFICE**