

Docket Item #3
SPECIAL USE PERMIT # 2005-0127

Planning Commission Meeting
February 7, 2006

ISSUE: Consideration of a request for a special use permit to operate an outdoor garden center.

APPLICANT: Cultivated Gardens Inc.
by Janet Sauser

LOCATION: 408 & 410 East Glebe Rd/3006 Jefferson Davis Hwy

ZONE: CSL/Commercial Service Low

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.

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Janet S. Sauser, requests special use permit approval for the operation of an outdoor garden center located at 408 and 410 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 of 4,200 square feet. The applicant is the proposed lessee of the property. There are five curb cuts to access the property, two are located on Jefferson Davis Highway, and the three are located on East Glebe Road. Only the East Glebe Road curb cuts are currently accessible because of a perimeter fence that was built over the curb cuts along Jefferson Davis Highway.



408 East Glebe Road 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 Potomac Yard Motors. To the east is the Del Ray Glass company. A marble and granite business is across Glebe Road. 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 a full service garden center. The applicant describes the proposed establishment as a retail garden center designed to serve local residents. The store will provide plants, tools, flowers, soil amendments, home decorations, bird feeders and seed as well as other

staples of gardening. Specific aspects of the operation as proposed by the applicant include the following:

- Hours: 10:00 a.m. to 6:00 p.m. Monday-Thursday
8:00 a.m. to 6:00 p.m. Friday and Saturday
9:00 a.m. to 5:00 p.m. Sunday
- Trash: Trash will include soil and debris from daily sales and garbage from employee lunches. Cardboard and plastic will be recycled. Trash will be collected from a dumpster on the premises on a weekly basis. The applicant will sweep the property twice daily for litter.
- Facade improvements: The building will maintain its industrial character inside and out. Changes will include installing new doorways and replacing existing garage doors on E. Glebe Road with windows. (See attached conceptual facade drawings).
- Outdoor display: There will be two to four cash registers outdoors in a covered kiosk for check out. In spring, summer and early autumn, there will be about 10 tables displaying flowering annuals, vegetables, herbs and perennials in flats and gallon containers. These tables will be covered by an overhead structure to provide shade to patrons and plants. Hanging baskets of flowering annuals will hang from the horizontal poles. Stepped shelves along the south corner of the lot will display all sizes of terracotta pots.
- Garden shrubs and small ornamental trees such as roses, hydrangeas, dogwoods and lilacs will also be available. These will be in three to seven gallon containers and will be located on a gravel surface in rows along the fence beside Route 1. The applicant proposes maintaining the existing chain link fence along Route 1.
- Soil amendments (mulch, play sand, potting soil) will be stacked at a loading area for easy distribution to vehicles. The store will also offer free delivery of these items to patrons within a 10 mile radius.
- In late autumn there will be pumpkins and decorative seasonal products such as hay bales, winter cabbage and dried corn swags for purchase. In winter, Christmas trees and tree stands as well as winter garlands and wreaths will furnish the outside space.

- Landscaping: While much of the visual landscaping will be the actual items available for sale, the applicant proposes to install trees along Jefferson Davis Highway, and provide hanging plants and flowers along the fence line to beautify it. The chain-link fence will remain open so that the plant and garden items for sale are visible from the street. The applicant proposes decorative flowering displays at the Glebe Road frontage. (See attached concept facade with display items).
- Loading/Deliveries: The applicant anticipates deliveries to the site from three to seven days a week. These deliveries would be for plants, tools, fertilizers, and other small retail items, which would be delivered in a small box truck. Soil amendments will be delivered by a semi-truck one to two times a month during warm weather. Fewer deliveries occur in cooler months.
- Curb cuts: There are five curb cuts on the property—three on E. Glebe Road and two on Jefferson Davis Highway. The applicant proposes vehicular entry and exit only from E. Glebe Road. To accommodate semi-truck deliveries, the applicant proposes that trucks be permitted to leave the site via the northernmost curb cut on Jefferson Davis Highway.
- Paving: The applicant proposes that the driveways, parking lot and aisles be paved with A-1 stone dust for a uniform, smooth base. Each parking space will have a concrete wheel stop. Display tables and potted plants outdoors will be on gravel for drainage.

PARKING

According to Section 8-200 (A)(16) of the Zoning Ordinance, a retail use at this location requires 1.1 spaces for every 210 square feet. In this case, there is approximately 3,100 square feet of retail space, requiring 17 parking spaces. The applicant is providing 17 spaces on the property, and complies with the parking requirement. The applicant proposes that during peak hours, staff from the garden center guide patrons into and out of the lot and parking spaces.

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

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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 associated with the Spot Blight case have been corrected.

On May 14, 2005, City Council denied an automobile rental operation from occupying the site, supporting the Planning Commission's recommendation of denial that found the use inappropriate at this location because of the existing impacts of automobile uses on the neighborhoods and the inconsistency of the use with the vision for Potomac Yard and Route 1.

The property owner has indicated that the ultimate goal is to redevelop the property. The owner would like to lease the subject property in the near term while potential redevelopment options may be explored. Del Ray Glass continues to operate at the corner property, delaying the possibility for coordinating redevelopment in the near term.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CSL/Commercial Service Low zone. Section 4-303(S.2) of the Zoning Ordinance allows an outdoor garden center in the CSL zone only with a special use permit.

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

II. STAFF ANALYSIS

Staff is supportive of this neighborhood-serving retail garden center as an interim use. The use will make active a long-time vacant property that has a history of problems. The applicant will be enhancing the site with trees and plant and floral displays that will improve the appearance of the property. The applicant worked diligently with staff on a parking plan that provides all required parking spaces, and area for cars and trucks to maneuver. The proposed use is one that can occupy the site on an interim basis without significant investment, and be a positive presence in the community.

Redevelopment of the property, in conjunction with the adjacent property currently occupied by Del Ray Glass is the desired outcome of this property. The planned character for Route 1 is similar to Washington Street, with a mix of uses and building types, more urban and pedestrian oriented, with 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 streets, including improvements to Route 1, and the straightening of the Monroe Avenue bridge. The subject property is also just west 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. 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. The subject property is very prominent in this future vision along Route 1, and its best use is likely as a mixed use project.

Until such a redevelopment project is feasible for this lot, staff supports the outdoor garden center. Staff has included a condition that the City Council review this permit in five years so that the property's redevelopment potential can be reassessed.

Staff worked with the applicant on a parking plan to accommodate all required parking on site, while providing adequate turnaround areas for delivery vehicles. In accordance with T&ES goals of reducing the number of curb cuts along Jefferson Davis Highway because of the amount of traffic, the applicant agreed to not utilize the two existing curb cuts along that frontage. The northernmost curb cut will be used on a limited basis for semi-trucks to exit after making a delivery. These deliveries are anticipated only once or twice a month, and generally during morning hours when southbound traffic is lighter. The gate will be required to be closed at all other times. All deliveries can be accommodated within the property, and staff has included a condition to this effect.

Staff has included a number of other conditions with the goals of reducing any potential negative impacts on the surrounding community, and ensuring that property enhancements are achieved. With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED 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)
2. The hours of the outdoor garden center shall be limited to between 8:00 a.m. and 7:00 p.m. daily. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
3. The facade and parking layout shall be generally consistent with the attached plans to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z) (T&ES)
4. All deliveries and solid waste pick-ups shall be done within the confines of the site and are prohibited from along E. Glebe Road. Deliveries by way of semi-tractor trailers shall be limited to non-peak business hours. (T&ES)

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5. The gate along Jefferson Davis Highway is to be kept locked except when being used for egress of semi-tractor trailer delivery trucks. (T&ES)
6. No pallets of inventory are to be stored in the parking lot. (T&ES)
7. Provide for pest control to control rodent infestation. (T&ES)
8. Any proposed lighting shall be located within the site away from nearby residential properties. The applicant shall provide a plan showing the general location of any proposed lighting for staff review to verify plan showing that lighting spillover will not occur to adjacent residences. (T&ES)
9. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
10. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
11. 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 and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
12. 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 containers which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)
13. 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)
14. All trees proposed to be planted along Jefferson Davis Highway are to be limbed up a minimum of 6 feet as they mature to allow for natural surveillance. (Police)
15. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)

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16. This special use permit shall be reviewed by City Council five years from the date of approval. (P&Z)
17. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, 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 received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (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.

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 All deliveries and solid waste pick-ups shall be done within the confines of the site and is prohibited from along E. Glebe Road. Deliveries by way of semi tractor trailers shall be limited to non-peak business hours.
- R-2 The gate along Jefferson Davis Highway is to be kept locked except when being used for egress of semi-tractor trailer delivery trucks.
- R-3 No pallets of inventory are to be stored in the parking lot.
- R-4 Provide for pest control to control rodent infestation.
- R-5 Any proposed lighting shall be located within the site away from nearby residential properties. Provide a plan showing the general location of any proposed lighting for staff review to verify plan showing that lighting spillover will not occur to adjacent residences.
- R-6 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.

Code Enforcement:

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

On October 6, 2000, the former occupant, 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 is 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. 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. Although violations pertaining to Spot Blight were corrected, interior violations remain. Below are a list of outstanding items:
 - C-1 The applicant shall request a certificate of occupancy inspection which will assess interior code compliance for this property and ensure the building fully complies with the Virginia Uniform Statewide Building Code prior to occupancy.

- F-5 In 2002, 223 Civil Penalty tickets were issued to this property by Code Enforcement for interior and exterior violations. As of this date, those penalties have been paid.
- C-1 The current use is classified as S, Storage; the proposed use is M, Merchantile. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- 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 Construction permits are required for this project which will include the proposed kiosk. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

Health Department:

- F-1 No Comment

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.

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- 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.
- R-3 It is recommended that all trees proposed to be planted along Jefferson Davis Hwy. are to be limbed up a minimum of 6 feet as they mature to allow for natural surveillance.

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**REPORT ATTACHMENTS
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