

**CONSENT AGENDA ITEM**

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Docket Item #2  
SPECIAL USE PERMIT #2007-0097

Planning Commission Meeting  
November 8, 2007

**ISSUE:** Consideration of a request for a special use permit amendment to allow the outdoor display of scooters.

**APPLICANT:** Mopedland Inc.  
by Bernard Gratzl

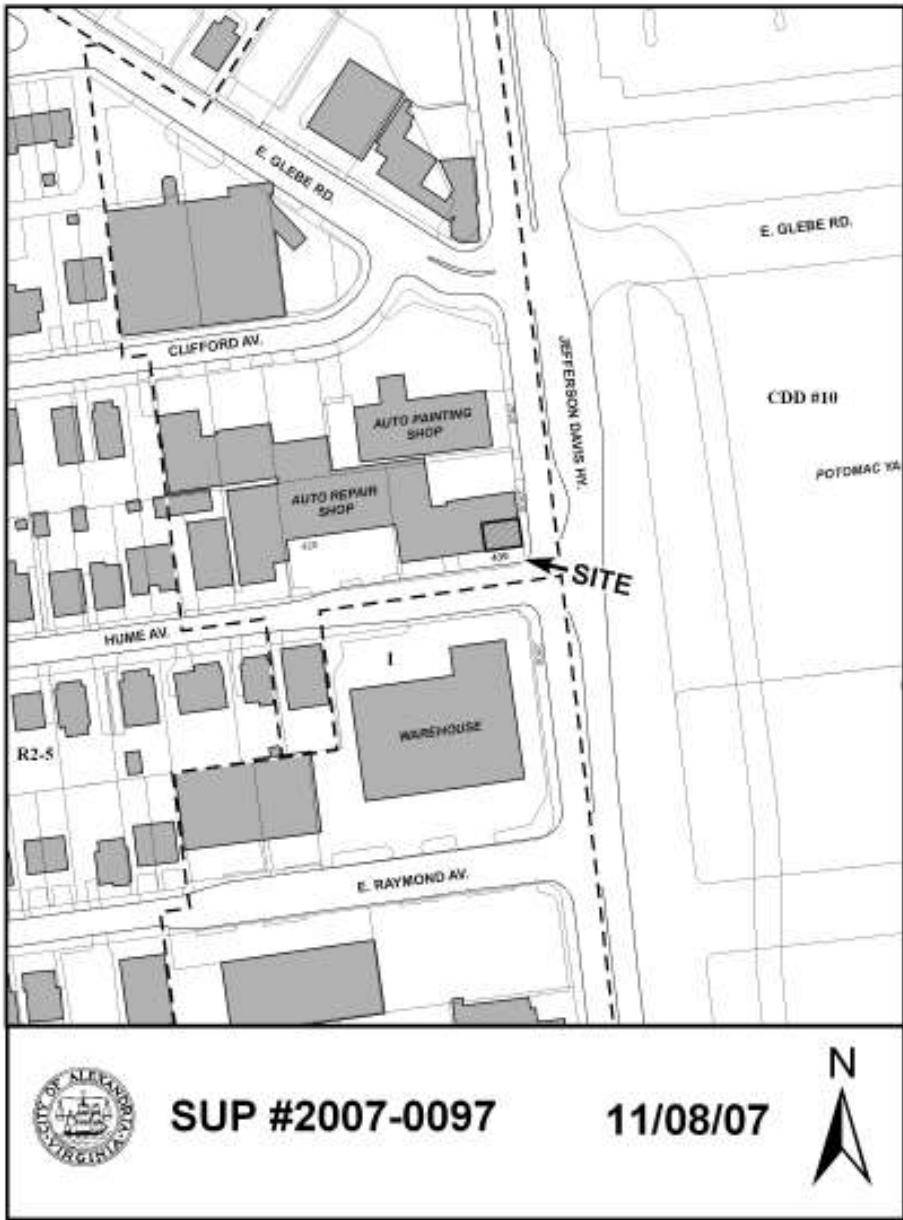
**STAFF:** Richard W. Bray  
Richard.bray@alexandriava.gov

**LOCATION:** 430 Hume Avenue

**ZONE:** CSL/Commercial Service Low

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**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

The applicant, Bernard Gratzl, requests special use permit approval for the outdoor display of merchandise at 430 Hume Avenue.

### SITE DESCRIPTION

The subject property occupies one out of four tenant spaces in a building located at the northwest corner of Jefferson Davis Highway and Hume Avenue. It has a total area of 1,900 square feet, including 1,300 square feet of display area with 36 feet of frontage along Jefferson Davis Highway and 34 feet of frontage along Hume Avenue.



The surrounding area is occupied by a mix of retail and industrial uses. The tenant spaces west of the subject site are occupied by a printing business and a pizza delivery restaurant. Immediately to the north is an auto painting business. To the south is a tire store. To the east is the Potomac Yards development. To the west of the property is an auto repair business.

### BACKGROUND

On January 24, 2004, City Council granted Special Use Permit #2003-0103 for the operation of a retail moped store.

On September 24, 2007, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

Planning & Zoning inspectors have found the applicant to be in violation of his Special Use Permit with respect to the condition prohibiting outdoor display of mopeds. This application is in response to said violations.

### PROPOSAL

The applicant proposes to display the scooters and mopeds that are on sale in Mopedland on the private land in front of the building. The sidewalk along Hume is part of the parcel at 430 Hume Avenue. The sidewalk varies in width from 11' 3" to 14' 4". The applicant requests to display merchandise in 50 inches of that sidewalk area. All other aspects of the operation are to remain the same.

Hours: 9:00 am – 5:30 pm, Monday – Saturday  
12:00 pm – 3:00 pm, Sunday

Number of customers: 10 per day

Noise: The scooters and mopeds are typically quiet and will not pose noise problems

Trash/Litter: The store generates the majority of its waste on delivery days, this waste will be picked up on delivery days

#### PARKING

Section 8-200 (A) of the Zoning Ordinance requires a retail business to provide 1.1 parking spaces for each 210 square feet of floor area. Applying this parking ratio to the proposed site, the applicant would be required to provide seven spaces. However, this site has long been grand fathered as to parking. In fact, four parking spaces are located on-site, two of which are part of Angel's car shop's parking lot, located directly to the rear of the building. The remaining two spaces are designated for the applicant's use.

#### ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CSL/Commercial service low zone. Section 4-303 of the zoning ordinance allows motor vehicle sales and outdoor display of goods in the CSL/Commercial service low 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 service low.

## **II. STAFF ANALYSIS**

Staff supports the outdoor display of mopeds and scooters at this site. The applicant has been displaying his scooters in front of the store in violation of his SUP but staff believes that with the conditions proposed the display of goods will not have a negative impact and will provide more than adequate sidewalk space. To achieve this, staff has included conditions forbidding the display of merchandise on the Jefferson Davis Highway frontage and restricting the display on the Hume Avenue frontage to no more than 50 inches from the front of the building. The sidewalk is especially wide on this part of Hume Avenue and is not owned by the City. With the 50 inches of display area the sidewalk will be between 7' 1" and 10' 2" wide.

Therefore, with the recommended 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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP2003-0103)
2. The applicant shall provide at least two on-site parking spaces. (P&Z) (SUP2003-0103)
3. The hours of operation shall be limited to between 9:00 A.M. and 7:00 P.M. Monday through Saturday, and between 12:00 P.M. and 3:00 P.M. on Sundays. (P&Z) (SUP2003-0103)
4. The applicant shall post the hours of operation at the entrance to the business. (P&Z) (SUP2003-0103)
5. No repairs or service operations shall be performed on site. (T&ES) (SUP2003-0103)
6. **CONDITION AMENDED BY STAFF:** Outdoor display of merchandise on Jefferson Davis Highway is prohibited. (P&Z) (~~SUP2003-0103~~)
7. The applicant shall work with staff to establish a route and time schedule for the test driving of mopeds and scooters. (P&Z) (SUP2003-0103)
8. The arrangement of mopeds on site and within the structure shall not obstruct or impair the movement of patrons or employees within the structure and shall not obstruct access to emergency exits. (CE) (P&Z) (SUP2003-0103)
9. The use and storage of flammable and combustible liquids on site shall comply with the provisions of the Virginia Statewide Fire Prevention Code and shall not constitute a hazard to the occupants or adjacent tenants. Accumulation of oil, grease, gasoline and other flammable and combustible liquids upon the ground shall be promptly removed and disposed of in an approved manner in accordance with City, State and Federal regulations. (CE) (P&Z) (SUP2003-0103)
10. Deliveries shall occur during the business hours on the designated on-street loading space in front of the store. (P&Z) (SUP2003-0103)
11. **CONDITION AMENDED BY STAFF:** ~~Litter on the site and on public rights-of-way and spaces adjacent to or within 50 feet of the premises shall be picked up daily. (P&Z) (SUP2003-0103)~~ 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. (T&ES)

12. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. This is to be completed prior to the business opening. (Police) (SUP2003-0103)
13. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees. (Police) (SUP2003-0103)
14. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements. (P&Z) (SUP2003-0103)
15. The Director of Planning and Zoning shall review the special use permit one year after approval 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, (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) (SUP2003-0103)
16. **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)
17. **CONDITION ADDED BY STAFF:** Displays may not block ingress/egress to the building. (T&ES)
18. **CONDITION ADDED BY STAFF:** Displays may not project more than the 50” proposed by the applicant. (T&ES)
19. **CONDITION ADDED BY STAFF:** Accessibility of the sidewalk must be maintained at all times. (T&ES)
20. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
21. **CONDITION ADDED BY STAFF:** The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's “Solid Waste and Recyclable Materials Storage Space Guidelines”, or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)

22. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
23. **CONDITION ADDED BY STAFF:** Applicant shall not allow customers to park their scooters outside of the designated display area. (P&Z)
24. **CONDITION ADDED BY STAFF:** Applicant shall maintain the sidewalk weed and litter free. (P&Z)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;  
Richard Bray, 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:

- R-1 Displays may not block ingress/egress to the building. (T&ES)
- R-2 Displays may not project more than the 50" proposed by the applicant. (T&ES)
- R-3 Accessibility of the sidewalk must be maintained at all times. (T&ES)
- 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. (T&ES)
- R-5 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
- R-6 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-7 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. (T&ES)
- R-8 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- 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.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).



Code Enforcement:

- C-1 The applicant shall keep the ingress and egress of the structure unobstructed.
- C-2 The applicant shall not obstruct the sidewalk as to keep persons with disabilities' from safely maneuvering.

Health Department:

- F-1 No Comment

Parks and Recreation:

- F-1 No Comment

Police Department:

- F-1 The Police Department has no objections to Mopedland displaying their mopeds outside of their business on the sidewalk immediately adjacent to their business so as not to hinder the walking path of a pedestrian.

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