

DATE: February 2, 2023

TO: Tony LaColla, AICP, LUS Division Chief
Department of Planning and Zoning

FROM: Mavis Stanfield, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00119
Change of Ownership Special Use Permit
Site Use: Automobile and trailer rental or sales area
and light automobile repair
Applicant: Ben Neilsen's Old Town Automotive, LLC
Location: 725 N. Henry Street
Zone: CSL/Commercial Service Low Zone

Request

Special Use Permit (SUP) #2022-00119 is a request to change the ownership of an existing automobile and trailer rental or sales and light automobile repair use from Euro Imports to Ben Nielsen's Old Town Automotive, LLC. No changes are proposed with the application. The six repair bays and off-street parking for 18 vehicles will remain on the property.

Background

A number of special use permits were recommended for approval by the Planning Commission for the use, several of which were withdrawn prior to approval by City Council. The use has continued operation at this location since its initial approval in 1984.

On June 16, 1984, the City Council granted Special Use Permit #1686 to Herby's Leasing, Inc. to operate a used automobile sales lot in connection with a leasing operation at 725 North Henry Street. Condition #1 specified the permit to be granted for a maximum of five (5) years from the date of approval. The permit expired in June of 1989.

On January 20, 1990, City Council granted SUP #1686A to continue the use for a maximum of five (5) years.

On September 14, 1991, City Council granted Special Permit Use #1686-B for a change in ownership and hours of operation of Herby's Leasing Inc. to Michael Milan.

On January 23, 1993, City Council granted Special Use Permit #1686-E to permit change of ownership to Euro Imports and to change the hours of operation of the existing automobile sales business and to add automobile repair.

No zoning violations have been established on this property for the past five years. An SUP inspection conducted on January 25, 2023, revealed no violations of the existing SUP conditions.

Parking

Pursuant to Section 8-200 (A)(18) of the Zoning Ordinance, an automobile repair business requires one off-street parking space for every 400 square feet of floor area, and staff recommends that automobile sales businesses provide one off-street parking space for every vehicle offered for sale. Tax records indicate that the building is 3,500 square feet, which requires 8.75 or nine spaces. Further, Condition #18 requires five spaces for customers and employees for a total parking requirement of 14 spaces. The property has 18 parking spaces and therefore meets the parking requirements.

Community Outreach

Public notice was provided through eNews, via the City’s website, to the Braddock Metro Citizens' Coalition and by posting a placard at the site. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff supports the applicant’s request for a change in ownership. The applicant is not modifying the use which has been in continuous operation on the property for nearly 40 years. Further, the use has not been the subject of complaints over the years. Staff has also added a number of additional conditions which are now standard for automobile oriented uses that address issues such as odor control from repair work, loading and unloading, maintenance, alternative forms of transportation for patrons and employees and the standard limitation on supply deliveries.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: February 2, 2023
Action: Approved



Tony LaColla, AICP, Land Use Services Division Chief

- Attachments: 1) Special Use Permit Conditions
 3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2022-00119

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

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) (SUP #1686-E)
2. Automobile repair work shall be limited to light automobile repair as stated by the applicant. (P&Z) (SUP #1686-E)
3. The hours of operation shall be limited to 8:00 a.m. to 7:00 p.m., Monday through Saturday and to 9:00 a.m. to 6:00 p.m. on Sunday. (P&Z) (SUP #1686-E)
4. No vehicle shall be parked, displayed, or stored on the public right-of-way. (P&Z) (SUP #1686-E)
5. No repair work shall be done outside. (P&Z) (SUP #1686-E)
6. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure. (P&Z) (SUP #1686-E)
7. No amplified sound shall be audible from outside. (P&Z) (SUP #1686-E)
8. No impact wrenches shall be used outside at any time. (P&Z) (SUP #1686-E)
9. **CONDITION DELETED BY STAFF:** ~~No banners, streamer, etc., shall be displayed on the premises. (P&Z) (SUP #1686-E)~~
10. All automobiles parked on the property shall be parked in a neat and orderly manner at all times. (P&Z) (SUP #1686-E)
11. The applicant shall provide at least five parking spaces for use by employees and customers, and the customer spaces shall be kept open and accessible at all times. (P&Z) (SUP #1686-E)
12. No junked, abandoned, or stripped vehicles or parts shall be stored on the property at any time. (P&Z) (SUP #1686-E)
13. Any lights used on the lot shall avoid glare towards residential areas and public streets. (P&Z) (SUP #1686-E)

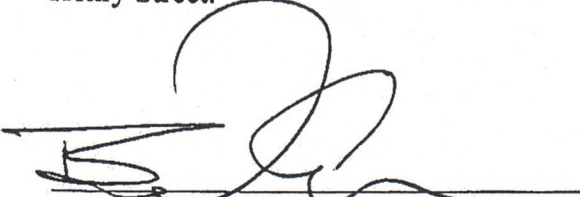
14. **DUPLICATE CONDITION DELETED BY STAFF; ADDRESSED IN CONDITION #22:** ~~Used oil, grease, etc., shall be disposed of according to Environmental Protection Agency (EPA) regulations. (T&ES) (SUP #1686-E)~~
15. All waste products including but not limited to organic compounds (solvents), motor oil, 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) (SUP #1686-E)
16. Loudspeakers shall be prohibited on the exterior of the building. (Health) (SUP #1686-E)
17. Litter on the site and on public right-of-ways 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. (PC) (SUP #1686-E)
18. **CONDITION ADDED BY STAFF:** Car washing is not permitted on this property. (P&Z)
19. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities should not occur between the hours of 11:00 p.m. and 7:00 a.m. (P&Z)
20. **CONDITION ADDED BY STAFF:** The applicant shall encourage employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z)
21. **CONDITION ADDED BY STAFF:** The applicant shall control odors, smoke and any other air pollution from demolition/construction /operations activities 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. (P&Z)
22. **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. (P&Z)
23. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
24. **CONDITION ADDED BY STAFF:** Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. (P&Z)
25. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. The applicant shall encourage its employees to use public

transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z)

26. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)
27. **CONDITION ADDED BY STAFF:** No junked, abandoned, or stripped vehicles shall be displayed, parked, or stored outside.
28. **CONDITION ADDED BY STAFF:** Vehicles with visual damage or requiring collision repairs and awaiting disposition by the vehicle owner's insurance company may be stored on the site for no longer than 60 days. (P&Z)
29. **CONDITION ADDED BY STAFF:** No vehicles, including car carriers, shall be parked, stored, loaded, or unloaded in the public right-of-way. (P&Z)
30. **CONDITION ADDED BY STAFF:** The applicant shall maintain the pavement, parking areas, and landscaping in good condition. Parking spaces shall be clearly striped. (P&Z).
31. **CONDITION ADDED BY STAFF:** Fencing shall be maintained to prevent unsightly conditions such as holes, sags, or bent areas. (P&Z).
32. **CONDITION ADDED BY STAFF:** Loading and unloading of vehicles by car carriers shall take place on-site. (P&Z)
33. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (P&Z)
34. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year from 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 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 the result of a complaint that rises to the level of a violation of the permit conditions, 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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00119. The undersigned also hereby agrees to obtain all applicable licenses and permits required for an automobile and trailer rental or sales and light automobile repair use at 725 North Henry Street.


Applicant - Signature

2-6-23
Date

Ben Nielsen
Applicant - Printed

2-6-23
Date