

DATE: May 22, 2009

TO: Gwen Wright, Division Chief
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2009-0012
Administrative Review for Minor Amendment
Site Use: Light Automobile Repair
Applicant: Rudolph C. Moore
Location: 4405 Duke Street

History

On March 17, 1984, City Council granted Special Use Permit #1647 to Family Five, Inc. for an automobile repair business at 4405 Duke Street. The Special Use Permit returned to City Council for approval seven times since 1984. Four of these occasions were reviews and three were requests for expansion. City Council approved the most recent request, SUP#1647-G, on December 14, 1991 to expand the facility.

Request

The current request, Special Use Permit #2009-0012, is to change ownership of the business to Rudolph C. Moore. No other changes to the operation of the business are proposed. The light automobile repair use was introduced in the 1992 Zoning Ordinance and therefore did not exist when the most recent SUP request was approved in 1991. Staff determined that facility most closely fits the current definition of light automobile repair based on the limitations on repair work contained in Condition #4 of SUP#1647-G. It should be noted that this condition is more restrictive than the definition of light automobile repair and will remain in effect.

On April 6, 2009, staff visited the subject property and found one violation of SUP#1647G. Condition #7 required that a dumpster be located inside the building and that no trash or other materials shall be stored outside the building. Although staff does not object to certain hazardous materials being stored outside as required by law, staff asked the applicant to remove the dumpster outside of the building and install indoor dumpsters. Staff has confirmed that the applicant has completed these tasks and is now in compliance with its current Special Use Permit.

Staff has placed announcement of the proposed changes in the local newspapers and has received no written or oral complaints. Staff received three substantiated complaints about the facility in the years 2006 and 2007. Two of these complaints resulted in citations for illegal signage and the third resulted in a violation for illegal disposal of waste oil. The signage and

illegal disposal violations were corrected and staff has not received any complaints since 2007.

Staff hereby grants the Administrative Special Use Permit for a change of ownership.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date:

Action:

Gwen Wright, Division Chief

CONDITIONS OF SPECIAL USE PERMIT #2009-0012:

The new 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. The new owner shall also abide by all other applicable codes and ordinances.

1. **CONDITION AMENDED BY STAFF:** ~~That~~ The special use permit shall be granted to the applicant only ~~namely, Louis Bonfiglio, t/a 4405 Corporation,~~ or to any corporation in which the applicant has a controlling interest. (P&Z) (~~SUP #1647-E~~)
2. **CONDITION AMENDED BY STAFF:** ~~That~~ All vehicles on the site shall be parked in a neat and orderly fashion at all times. (P&Z) (~~SUP #1647-E~~)
3. **CONDITION AMENDED BY STAFF:** ~~That~~ All repairs of motor vehicles shall be conducted inside a building or structure that is approved by the Director of Planning and Zoning. No repair work shall be done outside. (P&Z)(T&ES) (~~SUP #1647-E~~)
4. **CONDITION AMENDED BY STAFF:** ~~That~~ Repair work done on the premises shall be restricted to muffler, brake, exhaust system, front-end alignment and shock absorber repair or installation. (PC) (~~SUP #1647-G~~)
5. **CONDITION AMENDED BY STAFF:** ~~That~~ The hours of operation shall be restricted to between 8:00 A.M. and 9:00 P.M. Monday through Friday, and between 8:00 A.M and 6:00 P.M. on Saturday. The applicant shall post the hours of operation at the entrance to the business. (P&Z) (~~SUP #1647-E~~)
6. **CONDITION AMENDED BY STAFF:** ~~That~~ No junked, abandoned ~~on~~ or stripped vehicles shall be displayed, parked or stored outside. (P&Z) (T&ES) (~~SUP #1647-E~~)
7. **CONDITION AMENDED BY STAFF:** ~~That~~ A dumpster shall be located inside the building, and ~~that~~ no vehicle parts, tires, trash or other materials shall be stored or allowed to accumulate outside the building. (P&Z)(PC) (~~SUP #1647-G~~)
8. **CONDITION AMENDED BY STAFF:** ~~That~~ No vehicles shall be displayed, parked, or stored on a public right-of-way. (P&Z) (~~SUP #1647-E~~)
9. **CONDITION DELETED BY PLANNING COMMISSION:** ~~That no used automobile parts, tires, or other automobile related materials and waste products be stored, placed around the outside of the building or be allowed to overflow from the dumpster.~~ (PC) (~~SUP #1647-E~~) (~~SUP #1647-G~~)
10. **CONDITION AMENDED BY STAFF:** ~~That~~ Landscaping as installed shall be maintained to the satisfaction of the City Arborist. (PC) (~~SUP #1647-E~~)
11. **CONDITION DELETED BY CITY COUNCIL:** ~~New Condition:~~ ~~That a maximum~~

~~of six (6) automobile repair lifts be permitted on the subject property. (P&CD)
(SUP#1647-G)~~

12. CONDITION SATISFIED: ~~That both the new bays and the existing structure be covered by the same material (either stucco or siding of the same color) so that the entire structure has a uniform appearance. (P&Z) (SUP#1647-G)~~
13. CONDITION SATISFIED: ~~That the applicant provide a plot plan certified by a professional engineer or land surveyor for the existing garage and the proposed expansion area, including building area calculations, to be approved by the Director of Transportation and Environmental Services prior to issuance of a building permit. (T&ES) (SUP#1647-G)~~
14. CONDITION DELETED BY PLANNING COMMISSION; New Condition: ~~That the dumpster be located inside the service bay at the west end of the building, as proposed by the applicant. (P&CD) (SUP# 1647-G)~~
15. CONDITION SATISFIED: ~~The the applicant submit the original landscaping plan as approved with notations of agreed upon changes. (SUP#1647-G)~~
16. CONDITION DELETED BY PLANNING COMMISSION; New Condition: ~~That the applicant submit a landscape plan for approval by the City Arborist. (Arborist)~~
17. CONDITION SATISFIED: ~~That the restriction on the reproduction, copying or use of the plans contained on sheets 1, 2 and 3 of the plans submitted with this application be deleted by the owner of the plans prior to issuance of this special use permit. (PC)~~
18. CONDITION ADDED BY STAFF: Loading and unloading of vehicles, if any, shall take place on-site and during hours of operation. (P&Z)
19. CONDITION ADDED BY STAFF: 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)
20. CONDITION ADDED BY STAFF: 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. (P&Z)
21. 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)

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 at 703-519-3400 ext.166. (T&ES)
23. **CONDITION ADDED BY STAFF:** 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)
24. **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)
25. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
26. **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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
27. **CONDITION ADDED BY STAFF:** 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)(T&ES)
28. **CONDITION ADDED BY STAFF:** Applicant shall provide the City \$1150.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60-days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)
29. **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. (P&Z) (T&ES)
30. **CONDITION ADDED BY STAFF:** Existing landscaping shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead, damaged, or missing plants as needed and as required on landscape plans. (RP&CA)

31. **CONDITION ADDED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and a robbery awareness program for all employees. (Police)
32. **CONDITION ADDED BY STAFF:** 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 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)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 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-2 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)
- R-3 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)
- R-4 All repairs of motor vehicles shall be conducted inside a building or structure that is approved by the Director of Planning and Zoning. (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 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-7 The application of paints or coatings shall be prohibited at the site, unless a paint spray booth is designed and built to the satisfaction of the Director of Code Enforcement. If automotive refinishing is permitted, no materials shall be disposed of by venting to the atmosphere and no paints or coating shall be applied outside of the approved paint spray booth. (T&ES)
- R-8 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)

- R-9 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-10 Applicant shall provide the City \$1150.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60-days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)
- R-11 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 A new fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application. An inventory and MSDS sheets for hazardous materials are required.

Health Department:

- F-1 No Comment

Police Department:

- R-1 The new 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 new applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- F-1 The Police Department has no objections to the change of ownership.

Parks, Recreation & Cultural Activities

- R-1 Existing landscaping shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead, damaged, or missing plants as needed and as required on landscape plans.
- C-1 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)

SUP #2009-0012
4405 Duke Street

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of Special Use Permit #2009-0012.



Applicant - Signature

10/26/17

Date

Tarik Jabrane

Applicant - Printed

attachment: Conditions of Special Use Permit #2009-0012.