

DATE: April 16, 2015

TO: Alex Dambach, Division Chief  
Department of Planning and Zoning

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0027  
Administrative Review for Change of Ownership  
Site Use: Automobile Sales Area  
Applicant: Aries Motor Sports by Stephen Beyer  
Location: 430 Hume Avenue  
Zone: CSL / Commercial Service Low

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### **Request**

Special Use Permit #2015-0027 is a request to change the ownership of an automobile sales area (moped sales business) at 430 Hume Avenue from Mopedland, Inc. by Bernard Graztl to Aries Motor Sports by Stephen Beyer. The business plans to operate under the trade name of Aries Motor Sports. No additional changes to the operation of the business are planned.

### **Background**

The prior business owner operated a moped repair business in this location for many years until approximately 2001, when it was replaced by a carpet sales business. In January 2004, City Council approved SUP#2003-0103 to the prior moped repair business owner for a moped sales business, with no repair services. SUP#2003-0103 included a prohibition on outdoor display of mopeds, which the applicant had been found to be violating on at least two occasions in 2007. The applicant subsequently applied for SUP approval in November 2007 to eliminate the outdoor display prohibition. City Council subsequently approved SUP#2007-0097 to allow outdoor display, but only on the Hume Avenue frontage of the property.

No complaints regarding the operation of the business or any violations of SUP conditions have been recorded between the most recent SUP approval in 2007 and the closure of the business under the prior owner in September 2014.

### **Parking**

The moped sales business at this site was deemed grandfathered as to the need to provide off-street parking spaces in both the 2003 and 2007 SUP approvals. Staff therefore continues to consider the subject use to be grandfathered.

### **Community Outreach**

Public Notice has been provided through eNews and the City's website. Additionally, notification of the proposed change of ownership has been sent to the Del Ray Citizens Association, the Del Ray Business Association, the Lynhaven Citizens Association and the Mount Jefferson Civic Association. Two residents submitted comments in which they reminded staff of the SUP violations that occurred in 2007. One of the residents also alleged that, in

approximately the last four years, the prior owner routinely parked mopeds on public right-of-way in violation of Condition #18 of SUP#2007-0097. A third resident expressed concern, after the public comment period officially ended but before this report was finalized, about the applicant's parking of inoperable vehicles in front of his private home, which is located in the general vicinity of the subject business site.

**Staff Action**

Staff supports the change of ownership request. It recognizes that the prior owner violated SUP conditions regarding outdoor display several years ago, and also notes more recent allegations from area residents. However, staff has not recorded any violations at this site since 2007 and ultimately cannot hold the current applicant responsible for either verified or alleged SUP violations while the site was under control of the prior business owner. It has discussed the history of past problems with the current applicant, informed the applicant of more recent concerns expressed from residents, and reiterated the importance of maintaining compliance with all SUP conditions and other City regulations. Staff also specifically discussed with the new owner the location of the front property line and the need to keep all mopeds behind that line and also no more than 50 inches from the building.

Staff has carried forward existing conditions from SUP#2007-0097 with a few changes. Three conditions, regarding security matters and trash storage, are no longer routinely recommended in SUP reports and have been deleted. Condition #24 has also been deleted given that staff no longer routinely recommends condition language regarding weeds and since the matter of trash as addressed in the condition is already regulated under Condition #11. Finally, staff has also amended Condition #18 to specifically add that no motor vehicles (mopeds) may be stored in the public right-of-way. Although the current language would also be interpreted to preclude the applicant from impinging upon the public right-of-way given that the 50-inch allowable display area does not extend onto city land, staff believes it is nonetheless important to include a specific prohibition on storage in the public right-of-way as well.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:**

Date: April 16, 2015  
Action: Approved

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Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Considerations  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2015-0027**

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.

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. Outdoor display of merchandise on Jefferson Davis Highway is prohibited. (P&Z) (SUP#2007-0097)
7. **CONDITION AMENDED BY STAFF:** The applicant shall ~~work with staff to~~ establish a route and time schedule for the test driving of mopeds and scooters to the satisfaction of the Director of Planning & Zoning. (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. 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) (SUP#2007-0097)

12. ~~**CONDITION DELETED BY STAFF:** 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. ~~**CONDITION DELETED BY STAFF:** 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. **CONDITION AMENDED BY STAFF:** 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 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 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) (SUP2003-0103)
16. 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#2007-0097)
17. **CONDITION AMENDED BY STAFF:** Displays of motor vehicles may not block ingress/egress to the building. (T&ES) (P&Z) (SUP#2007-0097)
18. **CONDITION AMENDED BY STAFF:** Displays of motor vehicles may not project more than the 50" proposed by the applicant and in no case may motor vehicles be stored in the public right-of-way. (T&ES) (P&Z) (SUP#2007-0097)
19. Accessibility of the sidewalk must be maintained at all times. (T&ES) (SUP#2007-0097)
20. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2007-0097)
21. ~~**CONDITION DELETED 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) (SUP#2007-0097)~~

22. 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. Applicant shall not allow customers to park their scooters outside of the designated display area. (P&Z) (SUP#2007-0097)
24. **CONDITION DELETED BY STAFF (See Condition #11):** ~~Applicant shall maintain the sidewalk weed and litter free. (P&Z) (SUP#2007-0097)~~
25. Mopeds shall be displayed in an orderly fashion to the satisfaction of the Director of Planning and Zoning. (PC) (SUP#2007-0097)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0027. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the automobile sales area at 430 Hume Avenue.

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Applicant – Signature

\_\_\_\_\_  
Date

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Applicant – Printed

\_\_\_\_\_  
Date