



# APPLICATION SPECIAL USE PERMIT

## ADMINISTRATIVE CHANGE OF OWNERSHIP OR MINOR AMENDMENT

**Change of Ownership**       **Minor Amendment**

[must use black ink or type]

**PROPERTY LOCATION:** 442 N Henry Street, Alexandria VA 22314

**TAX MAP REFERENCE:** \_\_\_\_\_ **ZONE:** I-1 Industrial

**APPLICANT**

Name: SHUBER LLC

Address: 442 N Hery Street, Alexandria VA 22314

**PROPERTY OWNER**

Name: Nazar Shaibbar

Address: 6363 Old Dominion Dr, McLean VA 22101

**SITE USE:** \_\_\_\_\_

**THE UNDERSIGNED** hereby applies for a Special Use Permit for **Change in Ownership**, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

**THE UNDERSIGNED**, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

**THE UNDERSIGNED** hereby applies for a Special Use Permit for **Minor Amendment**, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of his/her knowledge and belief.

NAZAR SHARBAR

Print Name of Applicant or Agent

442 N Henry ST

Mailing/Street Address

Alexandria VA 22314

City and State

Zip Code

Nazar Shaibbar  
Signature

(703) 683-0794 (703) 683-9554

Telephone #

Fax #

\_\_\_\_\_  
Email address

3-21-12  
Date

**DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY**

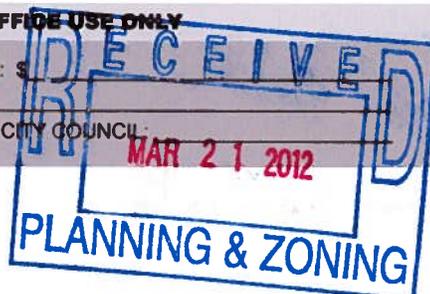
Application Received: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Legal advertisement: \_\_\_\_\_

ACTION - PLANNING COMMISSION \_\_\_\_\_

ACTION - CITY COUNCIL \_\_\_\_\_







4. Is the use currently open for business?  Yes  No

If the use is closed, provide the date closed. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
month day year

5. Describe any proposed changes to the conditions of the special use permit:

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Are the hours of operation proposed to change?  Yes  No

If yes, list the current hours and proposed hours:

Current Hours:	Proposed Hours:
_____	_____
_____	_____
_____	_____
_____	_____

7. Will the number of employees remain the same?  Yes  No

If no, list the current number of employees and the proposed number.

Current Number of Employees:	Proposed Number of Employees:
_____	_____

8. Will there be any renovations or new equipment for the business? \_\_\_\_\_ Yes  No

If yes, describe the type of renovations and/or list any new equipment proposed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Are you proposing changes in the sales or service of alcoholic beverages? \_\_\_\_\_ Yes  No

If yes, describe proposed changes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. **Is off-street parking provided for your employees?**  Yes  No  
If yes, how many spaces, and where are they located?

\_\_\_\_\_  
\_\_\_\_\_

11. **Is off-street parking provided for your customers?**  Yes  No  
If yes, how many spaces, and where are they located?

\_\_\_\_\_  
\_\_\_\_\_

12. **Is there a proposed increase in the number of seats or patrons served?**  Yes  No  
If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

Current:	Proposed:
_____	_____
_____	_____
_____	_____

13. **Are physical changes to the structure or interior space requested?**  Yes  No  
If yes, attach drawings showing existing and proposed layouts. In both cases, include the floor area devoted to uses, i.e. storage area, customer service area, and/or office spaces.

14. **Is there a proposed increase in the building area devoted to the business?**  Yes  No  
If yes, describe the existing amount of building area and the proposed amount of building area.

Current:	Proposed:
_____	_____
_____	_____
_____	_____

15. **The applicant is the** (check one)  Property owner  Lessee  
 other, please describe: \_\_\_\_\_

16. **The applicant is the** (check one)  Current business owner  Prospective business owner  
 other, please describe: \_\_\_\_\_

17. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address.

For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

**Please provide ownership information here:**

NAZAR SHABBAR <sup>100</sup> ~~100~~ % owner SHUBER LLC

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Docket Item #12  
SPECIAL USE PERMIT #2008-0052

Planning Commission Meeting  
September 4, 2008

**ISSUE:** Consideration of a request for a special use permit amendment to operate a U-Haul vehicle rental business.

**APPLICANT:** Michael Huhn

**STAFF:** Nathan Randall  
[nathan.randall@alexandriava.gov](mailto:nathan.randall@alexandriava.gov)

**LOCATION:** 1106 Oronoco Street  
442 N. Henry Street

**ZONE:** CSL/Commercial Service Low

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**CITY COUNCIL ACTION, SEPTEMBER 13, 2008:** City Council approved the Planning Commission recommendation, with an amendment to condition #18 that the review period extend to yearly for three years.

**PLANNING COMMISSION ACTION, SEPTEMBER 4, 2008:** On a motion by Mr. Dunn, seconded by Mr. Robinson, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations, with amendments to conditions #7, #8, and #18. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission generally agreed with the staff analysis but recommended reducing the number and size of vehicles stored at 1106 Oronoco Street and recommended requiring additional screening as part of the comprehensive site improvement plan.

**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.



**SUP #2008-0052**

**09/04/08**



## I. DISCUSSION

### REQUEST

The applicant, Michael Huhn, requests to amend an existing special use permit for the operation of a U-Haul vehicle rental business jointly located at 1106 Oronoco Street and 442 N. Henry Street.

### SITE DESCRIPTION

The subject property at 1106 Oronoco Street is one lot of record with approximately 54 feet of width, 117 feet of depth and a total lot area of 6,327 square feet. The subject property is undeveloped except for one small storage shed. Access to the property is from a public alley off Oronoco Street.



The subject property at 442 N. Henry Street is one lot of record with approximately 86 feet of frontage on N. Henry Street, 86 feet of frontage on Oronoco Street, and a total lot area of 7,396 square feet. The subject property is developed with an automobile service station, which includes four gasoline pumps covered by a canopy, and a one-story office and repair garage. Access to the property is from N. Henry Street and Oronoco Street.



The surrounding area is occupied by a mix of residential and commercial uses. Immediately to the north of 1106 Oronoco is a catering business and to the north across Oronoco Street is the Monarch condominium. To the northeast of 1106 Oronoco Street is the 442 N. Henry St. service station owned by the applicant. To the northeast of the service station, across N. Henry Street, is a vacant commercial building, formerly the Monarch sales office, which is the subject of a special use permit request for a day care center. To the south, east and west of both subject properties are residential apartments and townhouses.

BACKGROUND

An automobile service station and light automobile repair shop have existed on the property for decades, predating the applicant's ownership of the business, which began in 1965.

On November 18, 1989, City Council granted Special Use Permit #2302 for the expansion of the existing automobile service station and light automobile repair shop. At that time, additional repair bays were added, and the applicant was expressly granted permission to store vehicles at the "outlot" property at 1106 Oronoco while the vehicles were waiting to be serviced.

The Virginia Department of Environmental Quality (DEQ) in 1993 required environmental remediation at the site to clean contamination caused by leaky underground storage tanks. The Virginia DEQ determined the clean-up to be sufficient and closed the matter on July 29, 2005.

The applicant started the U-Haul truck rental business in late May 2008. Based on a neighbor complaint, zoning inspectors discovered that the U-Haul rental business was operating without a valid special use permit.

On July 24, 2008 staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. The property was found to be out of compliance with two conditions of SUP#2302 regarding the storage of junked vehicles and vehicle parts and tires.

PROPOSAL

The applicant proposes to operate a U-Haul vehicle rental business at an existing automobile service station and light automobile repair shop. Up to 15 rental vehicles will be stored at any one time at 1106 Oronoco Street. Customers will pick-up and drop-off the vehicles at the service station at 442 N. Henry Street.

Hours: Monday-Saturday, 8:00am-6:00pm  
Sunday, 9:00am-6:00pm

Number of trucks: No more than 15 stored on site at any one time

Noise: Primarily truck engine noises will be generated

Trash/Litter: Minimal

Pick-Up/Drop-Off: Only employees will retrieve and park U-Haul trucks for customers. Access to the 1106 Oronoco outlot will be from the public alley off Oronoco. Trucks will not use the lower portion of the alley that intersects with Princess Street.

PARKING

According to Section 8-200 (A)(12) of the Zoning Ordinance, an automobile repair business requires one (1) parking space for each 400 square feet of floor area. One additional space is required for each U-Haul vehicle parked at the property. An automobile repair business using 1,980 square feet of space and a truck rental business storing up to 15 U-Haul rental trucks will be required to provide a total of 20 off-street parking spaces.

The subject properties at 442 N. Henry Street and 1106 Oronoco Street meet this parking requirement. There are nine (9) parking spaces at 442 N. Henry Street, including the repair bays, and 15 parking spaces for trucks at 1106 Oronoco Street. The total combined number of parking spaces at these properties is 24.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CSL / Commercial Service Low zone. Section 4-303(B) of the Zoning Ordinance allows an automobile and trailer rental or sales area in the CSL zone only with a special use permit.

The proposed use is generally inconsistent with the Braddock Road Metro Small Area Plan chapter of the Master Plan which designates the property for low-density commercial use. An automobile service station, light automobile repair shop, and vehicle storage have been operating at this location for many decades, however.

**II. STAFF ANALYSIS**

Staff does not object to the addition of U-Haul truck rental at this location. However, because this property is surrounded by mostly residential uses, there is potential for significant impacts of this use on the neighborhood. Staff does not object to the proposal on the basis of its historical use, the opportunity for site improvements, and the inclusion of several conditions that will mitigate neighborhood impacts.

Historical aerial photographs show that a building was constructed at 442 N. Henry sometime between 1937 and 1951. In the 1951 aerial photograph of the property, a small number of vehicles are shown parked behind the 442 N. Henry building and on the 1106 Oronoco property. It is reasonable to conclude that the historical uses of this property have been accessory to the automobile service station and included vehicle storage.

The special use permit under consideration represents an opportunity to improve the condition of the property to the benefit of the entire neighborhood. The recommended conditions of approval listed in Section III of this report stipulate, among other things, that junked or abandoned vehicles shall be removed, the trailer shall be removed, vehicle

parts and tires shall be properly disposed, vegetation shall be pruned, and new fencing shall be installed.

Staff recognizes that the use in question has the potential to create negative impacts in the neighborhood but believes that the recommended conditions of approval sufficiently address these problems and mitigate their impact. Staff has recommended a number of conditions for parking, traffic, and aesthetic reasons. These include that U-Haul trucks shall not be parked on the street, shall not be kept in the gas station lot for more than three hours, and shall not be dropped off after hours. To reduce traffic congestion in a narrow public alley, only employees shall retrieve from and park U-Haul trucks in the outlot. Additionally, staff has conditioned that no more than 15 trucks shall be stored on-site at any one time and that the trucks shall be stored in a neat and orderly manner. Staff has also imposed a one-year review condition which will assist in addressing any future impacts should they arise.

Subject to the conditions listed in Section III of this report, staff recommends approval of the special use permit request.

### **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) (SUP#2302)
2. That no junked, stripped, or abandoned vehicles be parked or stored outside at either the 442 N. Henry Street property or at the outlot located at 1106 Oronoco Street. (P&Z)
3. That no vehicle parts, tires, or other materials be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure. (P&Z) (SUP#2302)
4. That no vehicles, including U-Haul rental vehicles, shall be displayed, stored, or parked in a public right-of-way. (P&Z)
5. That no repair work be done outside. (P&Z) (SUP#2302)
6. That the hours of operation of the automobile service station and light automobile repair shop shall be restricted to between 7:00am and 8:00pm Monday through Saturday and between 9:00am and 6:00pm on Sunday, as requested by the applicant. (P&Z)

7. That the “outlot” owned by the applicant located at 1106 Oronoco Street may be used by the applicant for parking of vehicles serviced at his service station and for the storage of no more than 12 U-Haul rental vehicles not to exceed 17 feet in size. (P&Z)(PC)
8. The applicant shall develop a comprehensive site improvement plan, to the satisfaction of the Director of Planning & Zoning, that addresses the following: (1) the improvement of the existing chain link fence, (2) the removal of all junked vehicles, (3) the removal of the trailer, (4) the proper disposal of all vehicular parts and tires, (5) the trimming of vegetation and (6) additional plantings to screen the perimeter of the vehicle storage lot. The plan shall be submitted to the Director of Planning & Zoning within 30 days from approval of the special use permit and shall be fully implemented within three months from the Director’s approval. (P&Z)(Parks)(PC)
9. All vehicles, including U-Haul rental vehicles, permitted to be stored at the 1106 Oronoco Street property shall be stored in a neat and orderly manner. No vehicles shall be stored in a public alley nor shall the parking of any vehicles block any public alleys. (P&Z)
10. Only employees of the business owner may drive rental vehicles to, or pick them up from, the outlot located at 1106 Oronoco Street. Customers must pick up and drop-off rented vehicles at the service station property. (P&Z)
11. U-Haul rental vehicles shall not be stored at any time at the automobile service station located at 442 N. Henry Street, except: a) during customer drop-off and pick-up for a period not to exceed three hours and b) while in the process of being repaired. (P&Z)
12. The hours of operation of the U-Haul rental business shall be restricted to between 8:00am and 6:00pm, Monday-Saturday, and 9:00am and 6:00pm on Sunday. (P&Z)
13. No U-Haul rental vehicles, whether being rented by customers or being delivered by employees of other U-Haul locations, may be picked up or dropped off outside of the approved operating hours noted in Condition #12. There shall be no “drop-off box” on either property for keys or paperwork. (P&Z)
14. The applicant shall post the hours of operation for the service station and the U-Haul rental business at the entrance of the building. (P&Z)
15. No portable signs or banner signs, including those advertising the U-Haul business, shall be displayed. (P&Z)

16. 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)(T&ES)
17. 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)
18. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and annually for three years thereafter, 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)(PC)(City Council)
19. The applicant shall provide documentation to the Director of Planning & Zoning on an annual basis confirming that the subject properties are in compliance with Virginia Department of Environmental Quality guidelines regarding the registration of underground storage tanks. (T&ES)
20. All waste products, including but no limited to organic compounds (solvents), motor oils, and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and shall not be discharged into the sanitary or storm sewers. (T&ES)
21. 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)

22. Provide a plan that shows the method of connection for the discharge of vehicle wash to an approved sanitary sewer system and proper disposal of rainwater to the storm sewer system. In case the applicant chooses to install commercial car washing equipment, such equipment shall be equipped with a water recycling system approved by the building official. (T&ES)
23. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
24. Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)(T&ES)
25. 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)
26. 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)
27. Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
28. Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owner's front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1) (Parks)
29. The applicant shall 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)

**STAFF:** Richard Josephson, Deputy Director, Department of Planning and Zoning;  
Nathan Randall, 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 All waste products, including but no limited to organic compounds (solvents), motor oils, and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and shall not be discharged into the sanitary or storm sewers.
- 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.
- R-3 Provide a plan that shows the method of connection for the discharge of vehicle wash to an approved sanitary sewer system and proper disposal of rainwater to the storm sewer system. In case the applicant chooses to install commercial car washing equipment, such equipment shall be equipped with a water recycling system approved by the building official.
- R-4 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-5 Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (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 Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)

- R-9 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 Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).
- C-2 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. (T&ES)

Code Enforcement:

- C-1 A 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.
- C-2 If the applicant proposes to provide 35 total parking spaces, the required handicap accessible parking spaces shall be at a minimum of 2 and shall comply with applicable dimension and signage requirements.

Health Department:

- C-1 Smoking is prohibited in indoor service lines and cashier lines. (Code of Virginia, § 15.2-2801 B.)

Parks and Recreation:

- R-1 Repair or replace existing fence on subject property.
- R-2 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owner's front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)

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.

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