

DATE: April 24, 2015

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

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0037
Administrative Review for Change of Ownership
Site Use: Automobile Repair Garage
Applicant: Mid-Atlantic Lubes LLC
Location: 4510 Duke Street
Zone: CG / Commercial General

Request

Special Use Permit #2015-0036 -0037 is a request to change the ownership of a grandfathered automobile repair garage (public garage) at 4510 Duke Street from CXL, LLC to Mid-Atlantic Lubes LLC. The business plans to continue to specialize in “quick lube” types of automobile repairs. No additional changes to the operation of the business are planned. The applicant plans to operate under the trade name of Valvoline Instant Oil Change.

Background

An automobile service station received SUP approval to operate at this site in 1954. The gas station expanded following approval of another SUP in 1977. The current repair business (without gas sales) dates back to January 1987 when City Council approved SUP#1927 for a “public garage”. Ownership of the business changed in September 1987, 1996, and, most recently, in 1999 (SUP#99-0070).

After the 1987 SUP approval at this site and before June 1992, the Zoning Ordinance was amended such that the “public garage” use was replaced by two discrete uses: light automobile repair and general automobile repair. This change created several businesses in the City, including the subject use, that were considered grandfathered as “public garages” under the pre-1992 Zoning Ordinance. Consistent with Section 12-201(C), such uses are not nonconforming because they were grandfathered under prior law, and they are not noncomplying given that their lack of conformity existed prior to June 24, 1992 (Section 12-301). As a technical matter, the grandfathered “public garage” may continue to operate, regardless of the current Zoning Ordinance distinction between light and general automobile repair, subject to the conditions of its approved SUP.

In 2012, Planning & Zoning staff received complaints regarding illegal signage at the site and Code Enforcement has received complaints regarding tall grass. No SUP-related complaints or violations of the conditions of SUP#99-0070 have been recorded since the last SUP was approved in 1999.

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 First Owners Association and the Wakefield-Tarleton Civic Association. Staff received and answered a general question from the Wakefield-Tarleton Civic Association.

Staff Action

Staff supports the change of ownership and views it as a reasonable request. Although the technical distinction of the use being a grandfathered public garage has been noted in this report, as a practical matter, the business would continue to be restricted under Condition #3 to offering only lubrication and other motor oil-related services for vehicles.

Several conditions have been changed in this report for consistency with modern condition language. For example, Conditions #14 and #16 are redundant given existing regulations and have been deleted. Staff also does not routinely require automobile repair businesses to offer free waste oil disposal to the public and has deleted Condition #9 as well. New conditions, routinely included in Special Use Permit approvals today, have been added regarding matters such as odors (Condition #20), delivery hours (Condition #21), litter (Condition #23) and staff training (Condition #24). The standard one-year review condition has been added to this approval as well as Condition #25.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: April 24, 2015
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2015-0037

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 corporation in which the applicant has a controlling interest. (P&Z) (SUP #1927-A)
2. No more than seven vehicles shall be parked or stored outside at any time. (P&Z) (SUP #1927-A)
3. The automobile work shall be limited to lubrication and oil servicing of vehicles only. (P&Z) (SUP #1927-A)
4. **CONDITION AMENDED BY STAFF:** The hours of operation shall be restricted to between 8:00 A.M. and 7:00 P.M., Monday through Saturday and 10:00 P.M. and 5:00 P.M., Sunday, ~~as requested by the applicant.~~ The applicant shall post the hours of operation at the entrance of the business. (P&Z) (~~SUP 96-0062~~)
5. No junked, abandoned, or stripped vehicles shall be parked or stored on the premises. (P&Z) (SUP #1927-A)
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 #1927-A)
7. No vehicles shall be displayed, parked, or stored on a public right-of-way. (P&Z) (SUP #1927-A)
8. Landscaping shall be maintained in good condition. (P&Z) (SUP 96-0062)
9. **CONDITION DELETED BY STAFF:** ~~The applicant shall offer free waste oil disposal service to the public during hours of operation.~~ (P&Z) (Health) (~~SUP #1927-A~~)
10. All waste products including but not 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) (Health) (SUP 96-0062)
11. **CONDITION AMENDED 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 Office of Environmental Quality at 703-746-4065 or at <http://alexandriava.gov/Environment> under Forms and Publications. (T&ES) (P&Z) (~~SUP 96-0062~~)

12. ~~**CONDITION DELETED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program. (Police) (SUP-96-0062)~~
13. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (Health) (SUP-96-0062) (P&Z)
14. ~~**CONDITION DELETED BY STAFF:** This special use permit shall not be issued until the applicant has obtained a valid business license. (P&Z) (SUP-96-0062)~~
15. No repair work shall be done outside. (P&Z) (SUP#99-0070)
16. ~~**CONDITION DELETED BY STAFF:** No banners, streamers, flags or other 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) (SUP#99-0070)~~
17. All vehicles on the lot shall be stored in a neat and orderly fashion. (P&Z) (SUP#99-0070)
18. Loading and unloading of vehicles, if any, shall take place on-site and during hours of operation. (P&Z) (SUP#99-0070)
19. **CONDITION ADDED BY STAFF:** Car wash facilities must be equipped with a water recycling system, which shall be approved by the building official. The applicant shall provide a plan that shows the method of connection for the discharge of vehicle wash to the sanitary sewer system with prior approval from AlexRenew, or be covered by a VPDES permit for discharge into the storm sewer. (P&Z)
20. **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. (P&Z)
21. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)
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. (P&Z)

23. **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)
24. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as a part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
25. **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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0037. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the automobile repair (public) garage at 4510 Duke Street.

Applicant – Signature

Date

Applicant – Printed

Date