

Application	G	eneral Data
	Planning Commission	
Consideration of a Special Use	Hearing:	March 4, 2014
Permit request to continue operation	City Council	
of an existing nonconforming	Hearing:	March 15, 2014
automobile sales business.	_	
Address:	Zone:	KR / King Street Urban Retail
1318 King Street		zone
Applicant:	Small Area Plan:	Old Town and King Street Retail
Behrooz Raiszadeh		Strategy

Staff Recommendation: DENIAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report. **Staff Reviewers:** Nathan Randall <u>nathan.randall@alexandriava.gov</u>

PLANNING COMMISSION ACTION, MARCH 4, 2014: On a motion by Vice Chairman Dunn, seconded by Commissioner Lyman, the Planning Commission recommended <u>denial</u> of the request. The motion carried on a vote of 7 to 0.

<u>Reason</u>: The Planning Commission agreed with the staff analysis.

Speakers:

Behrooz Raiszadeh, applicant, spoke in favor of the Special Use Permit request.

John R. Griffin, Duke Street, spoke in opposition to closing the business and noted the presence of vacant tenant spaces on King Street.

Sharon Annear, North Howard Street, spoke in opposition to closing the business. She expressed concern that closing the business would negatively impact City revenues.

Frank Fannon, Duke Street, spoke in opposition to closing the business. He encouraged the Commission to let the market decide when site redevelopment should occur.

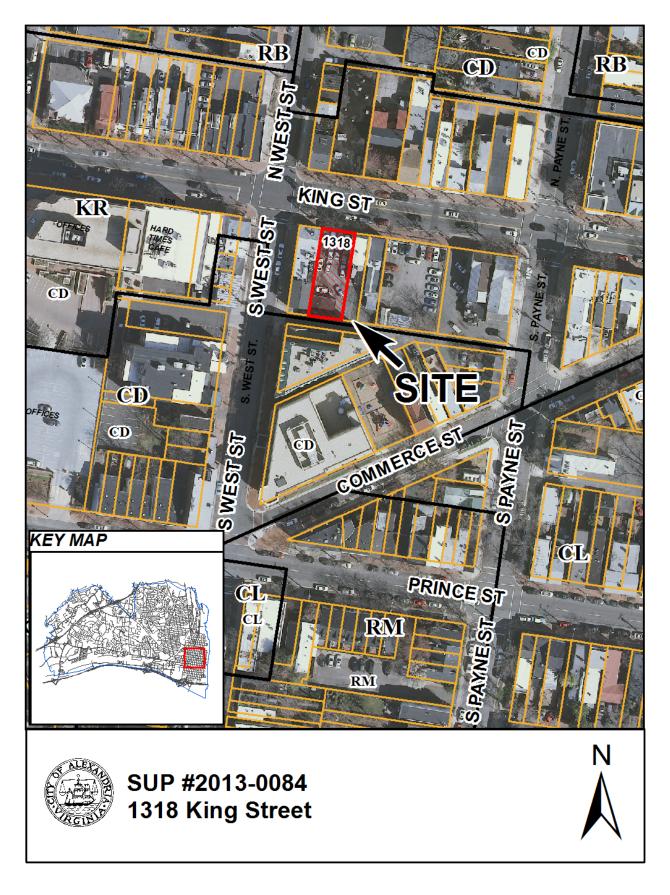
PLANNING COMMISSION ACTION, JANUARY 7, 2014: On a motion by Commissioner Wagner, seconded by Commissioner Hyra, the Planning Commission <u>deferred</u> the request to the March 2014 meeting of the Planning Commission. The motion carried on a vote of 7 to 0.

<u>Reason</u>: The Planning Commission agreed with the staff analysis and offered the applicant an additional two months to relocate the business.

Speakers:

K. Scott Brown, Harvard Street, spoke in opposition to allowing continued operation of the use. He stated that the use is no longer compatible with the vision for King Street.

Behrooz Raiszadeh, applicant, spoke in favor of the request.



I. DISCUSSION

The applicant, Behrooz Raiszadeh, requests Special Use Permit approval to continue operation of an existing nonconforming automobile sales business at 1318 King Street.

SITE DESCRIPTION

The subject site is one lot of record with 38 feet of frontage on King Street, 100 feet of depth, and a total lot area of 3,800 square feet. The property is improved with a one-story, 216 square-foot structure and surface parking lot.

The property is surrounded by commercial and residential uses. Several retail shops, such as Pacers and Le Tastevin, as well as two restaurants and another nonconforming automobile sales business, are located along the 1300 block King Street. Additional commercial uses, including offices, a



UPS Store and a tailor shop, are located to the southwest along South West Street. Residential townhouses are located to the south facing Commerce Street.

BACKGROUND

An automobile sales business has operated at this site since 1962, when City Council approved Special Use Permit #503. The property was rezoned from C-3 to CD as part of the City-wide rezoning in 1992. Automobile sales businesses are not permitted in the CD zone and therefore the use became noncomplying since its lack of conformity with the CD zone regulations was solely occasioned by the 1992 rezoning.

In May 2005, City Council adopted the King Street Retail Strategy as an amendment to the Alexandria Master Plan and, at the same time, rezoned the property to KR as recommended in the Strategy. The KR zone regulations do not permit automobile sales businesses and further specify at Section 6-702(D)(2) that uses involving the display of automobile vehicles for sale shall be deemed nonconforming uses. Sections 12-200 and 12-214 of the Zoning Ordinance require the applicant to either cease operation of the use or file for Special Use Permit approval within seven years of notification of the nonconforming status.

Planning & Zoning staff informed the property owner and the applicant, who has operated the business there since 1991, of the nonconforming status of the use in a letter dated November 21, 2006. It further explained the need to cease operation or file for Special Use Permit approval by, in this case, November 2013. Staff reminded the applicant of this requirement in summer 2012 and again in July 2013. The applicant filed for Special Use Permit approval in October 2013.

The owner of another nonconforming automobile sales business, located three properties to the west at 1318 King Street, has similarly applied for Special Use Permit approval to continue operation of his business. SUP#2013-0084 is also scheduled to be heard before the Planning Commission and City Council in January March 2014.

NONCONFORMING USES

Section 12-200 of the Zoning Ordinance was amended in 1998 to require operators of nonconforming uses to either obtain Special Use Permit approval or to cease operations within seven years of being notified of their use's nonconforming status. The establishment of the seven-year abatement period is intended to provide operators an "opportunity to realize a fair and reasonable rate of return" on investments.

Section 12-214(A)(3) of the Zoning Ordinance also provides two special criteria that must be evaluated as part of Special Use Permit requests for the continuation of a nonconforming use at the end of the abatement period. Those criteria are:

- (a) the degree to which the use serves the nearby neighborhood; and
- (b) the degree to which the use is compatible with the uses in the nearby neighborhood.

PROPOSAL

The applicant proposes to continue operating his existing noncomplying automobile sales business at this location. Up to nine used vehicles are available for sale and administrative offices are located in the 216 square-foot structure located on the southern portion of the site. Additional elements of the applicant's proposal are as follows:

Hours of Operation:	10 a.m. – 6 p.m. Monday – Friday 11 a.m. – 5 p.m. Saturday
Customers:	Ten customers each day
Employees:	Two employees at any one time, four in total
<u>Noise:</u>	Minimal noise levels may occur when vehicle engines are started but such potential noises will be controlled by not accelerating engines.
Odors:	Minor engine/exhaust odors may be present occasionally
Trash/Litter:	Typical office paper and waste, estimated at one bag each week, will be collected on a daily basis

ZONING/MASTER PLAN DESIGNATION

The property is located in the KR / King Street Urban Retail zone. Automobile sales businesses are not allowed in the KR zone.

The property is located within the boundaries of the Old Town Small Area Plan and King Street Retail Strategy chapters of the Alexandria Master Plan. The subject automobile repair business on the property is specifically recommended on Page 5-4 of the King Street Retail Strategy to become a nonconforming use which could be subsequently redeveloped consistent with the goal of creating a vital retail environment.

PARKING

The automobile sales business has no technical parking requirement since it has been in operation since prior to 1963 when modern parking requirements were established. Under current parking regulations and staff practice, the applicant would need to provide a minimum of one off-street parking space for the office use plus one off-street space for each vehicle displayed for sale on the property, for a total of 10 off-street parking spaces. The applicant exceeds current parking regulations with the provision of 12 off-street spaces on the property.

II. STAFF ANALYSIS

Staff does not support the applicant's request to continue operating the nonconforming automobile sales business in this prominent Old Town location. The King Street Retail Strategy specifically recommends that this use should be made nonconforming and eventually redeveloped in a manner consistent with stated planning goals. Staff sees no mitigating circumstances in favor of the continuation of the use, such as it being neighborhood serving or compatible with the surrounding neighborhood. The applicant has not provided evidence of needing a greater opportunity to realize a return on his business investment. It also believes that no extension of the use is practically necessary or desirable. In order to support the planning goals contained in the King Street Retail Strategy, staff recommends denial of the Special Use Permit.

King Street Retail Strategy

The subject automobile sales business today remains clearly inconsistent with planning goals contained in the King Street Retail Strategy, a finding specifically identified on page 5-4 of the Strategy itself. The King Street Retail Strategy envisions a "vibrant, retail King Street that can maintain and grow its competitive position in the region, and thus ensure the vitality and health of the street and the area" (KSRS Page 1-4). A guiding principal in support of this vision is the encouragement of "continuous retail uses along the street to support optimum market conditions and the pedestrian experience" (Page 5-2).

Staff finds that, as a non-retail use, the business does not provide a continuous retail experience along the street. Instead, the presence of the one-story office set back far from the sidewalk and the unattractive surface parking lot immediately next to the street creates a void in the streetscape, which interrupts the streetwall that elsewhere on King Street provides an interactive and lively experience for pedestrians in many instances. In addition, automobiles sales uses are not generally geared toward pedestrians nor are they likely to generate much pedestrian traffic. Automobile sales may be less likely to generate synergy with other neighboring retail businesses in the same way that a customer shopping for a new shirt might also buy a necktie and shoes at other nearby establishments.

Neighborhood Compatibility

Notwithstanding the Master Plan findings and the KR zone regulations, the special review criteria in Section 12-214(A)(3) of the Zoning Ordinance allows for the possibility that the continuation of a nonconforming use might be advisable if it is neighborhood-serving and is compatible with the surrounding neighborhood. Although some neighborhood residents may purchase vehicles from the applicant, automobiles are not everyday purchases given their high value. Staff does not believe such transactions would occur frequently enough for the business to be considered neighborhood-serving.

The automobile-oriented use is also not compatible with the character of the neighborhood. The property is surrounded by a mix of small retail shops, restaurants, and upper-level residential apartments. In addition, residential townhouses and a day care center are located nearby to the south across an alley. Aside from the similarly-situated automobile sales business at 1310 King Street, no other automobile-oriented businesses are located on adjacent blocks or elsewhere on King Street between the waterfront and Metro.

Future Plans

In addition to reviewing the existing business, staff also has considered future plans for the property if its recommendation for denial is upheld. The applicant has also expressed interest to staff that, should it not recommend permanent approval for the continuation of the use, that a temporary extension should be allowed for at least another two months and possibly longer. He has explained that the extra time will allow for a smoother transition to another location. Such an extension would further give the applicant or other property owner additional time to potentially pursue redevelopment plans while earning income from the property and without creating a vacancy on King Street.

Temporary Extension

Although it understands the applicant's interest in maintaining his small business here, staff does not believe that approval of the requested Special Use Permit with any time extension is warranted. The applicant and property owner have been aware of the nonconforming status of the use since at least 2006 and the applicant renewed its lease agreement for the property in 2010. The applicant was also directly reminded in 2012 and 2013 of the potential need to vacate the site if any Special Use Permit is denied and has been referred to the Alexandria Economic Development Partnership (AEDP) for help regarding potential relocation within the City. Ample time in which the business could have been relocated or closed has been offered during the seven-year abatement period. Furthermore, the applicant has not brought forward, nor has staff observed, any circumstances that have adversely impacted the applicant's opportunity to realize a fair and reasonable return in the last seven years on the business he has owned for approximately 17 years.

As a practical matter, if the Special Use Permit request is denied, the applicant will have an adequate period of time in which to wrap-up final business matters at this location. Through ordinary enforcement processes, staff expects to offer the applicant about 60 days, or until March 31, 2014 May 15, 2014, to completely cease operations at the site.

Vacancy

Staff typically prefers for tenant space to remain occupied while redevelopment approvals are pursued or while redevelopment potential ripens, and it has recommended approval recently for several SUPs in Arlandria and the West End with condition language requiring reviews in approximately five and ten years' time. However, staff believes the current request is different from other recent cases and has not recommended a similar approach here for several reasons. First, the seven-year abatement period has already offered an opportunity analogous to the review condition recommended in other cases. Second, the subject automobile sales business is a nonconforming use rather than a use regularly allowed by SUP under current zoning, and the Zoning Ordinance expresses a clear preference for the "eventual elimination of all nonconforming uses" (Section 12-202). Third, the business has been uniquely identified in the King Street Retail Strategy as being incompatible with the City's planning goals. In other recent instances, a particular use may be generally discouraged in a given Small Area Plan or special study or it may be located in an inconsistent building type (single-use, suburban-designed, or industrial warehouse). Fourth, staff believes that the removal of the existing automobile sales use offers a particularly strong incentive to redevelop the property given that the small size of the existing building limits the range of alternative uses for the site as currently developed.

Redevelopment

With regard to longer-term plans, staff has learned that applicant may exercise the right of first refusal in his lease to purchase the property in the near future as part of a business partnership. He has shared his general interest in potentially redeveloping the site and stated that any such redevelopment could include a new structure designed for retail/restaurant uses, possibly with upper-level residences. Staff expects to have further conversations with current or future property owners regarding both potential interim and long-term uses for the site.

Potential Condition Language

As it has done in other cases recommended for denial, staff has prepared potential condition language in Section III of this report if City Council were to approve the Special Use Permit request. Many of the recommendations are standard conditions included in Special Use Permits for automobile-related uses. Condition #6 requires the existing freestanding sign, which is in poor condition and inconsistent with historic district requirements, to be removed. It also recommends that a standard staff-level review occur in six months (Condition #18) and that the Special Use Permit expire one year from approval unless the applicant obtains new Special Use Permit approval (Condition #19).

Conclusion

The subject automobile repair business appears to be one of the few instances in the last 15 years in which a use has been completely eliminated from a zone and deemed to be a nonconforming use. The deliberately strict treatment of the use indicates its degree of inconsistency in 2005 with stated planning goals for this highly visible location. Staff believes this incompatibility continues

today and sees no mitigating circumstances, such as neighborhood compatibility or a lack of opportunity for the applicant to realize a reasonable return, through which the continuation of the use is appropriate on either a short or long-term basis.

Staff recommends <u>denial</u> of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends **DENIAL** of the requested Special Use Permit. If the request is approved, staff recommends that the request be approved 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)
- 2. The hours of operation of the general automobile repair business shall be limited to between 10 a.m. and 6 p.m. Monday Saturday. (P&Z)
- 3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
- 4. No more than nine vehicles shall be displayed for sale on the premises at any one time. All vehicles shall be parked in a neat and orderly manner. No vehicles shall be displayed, parked, or stored in any portion of the public right-of-way. (P&Z)
- 5. No repair work shall be done at the subject property. (P&Z)(T&ES)
- 6. The existing freestanding sign at the property shall be removed within 30 days of SUP approval. (P&Z)
- 7. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
- 8. 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)
- 9. 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)
- 10. 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)

- 11. 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)
- 12. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- 13. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (T&ES)
- 14. 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)
- 15. 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)
- 16. All waste products including, but not limited to, organic compounds (solvents), motor oil, refrigerant, 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)
- 17. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees. (Police)
- 18. The Director of Planning and Zoning shall review the Special Use Permit after six months, 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)
- 19. This Special Use Permit shall automatically expire on January 31, 2014 unless City Council approves a new Special Use Permit to continue operation of the automobile sales use prior to expiration. (P&Z)

<u>STAFF:</u> Alex Dambach, Division Chief, Department of Planning and Zoning; Nathan Randall, Urban Planner.

<u>Staff Note:</u> 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.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

- R-1 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-2 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)
- R-3 All waste products including, but not limited to, organic compounds (solvents), motor oil, refrigerant, 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-4 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)
- R-5 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-6 No repair work shall be done at the subject property. (P&Z) (T&ES)
- R-7 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-8 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (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. (T&ES)
- 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).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at <u>commercialrecycling@alexandriava.gov</u>, for information about completing this form. (T&ES)

Code Administration

F-1 No comments

Health

F-1 No comments

Parks and Recreation

F-1 No comments received

Police Department

R-1 The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees. (Police)

ß	ALL	APPLICATION
		SPECIAL USE PERMIT
	RODA	SPECIAL USE PERMIT # 2013-008
	PROPERI	TY LOCATION: 1318 KING STREET, ALEXANDRIA, VA 22314
	APPLICA	REFERENCE: 064-03-12-06 ZONE: NT: BEHROOZ RAISZADEH - A\$B AUTO FINDINCE CO
	Address: <u>]</u>	318 KING STreet, ALEXANDRIA, VA 22314
	PROPOSE	DUSE: DISPLAY Lot / LUTO SALES

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[\(THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

BEHNONZ RAISZMOEH Print Name of Applicant or Agent 1318 1318 Mailing/Street Address ALEXANDRIA, VA City and State Zip Code	<u></u>
ACTION-PLANNING COMMISSION:	DATE:

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Property owners authorization	
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As the property owner of	Fing Street Algander
(Property Address)	S T
grant the applicant authorization to apply for the	Special use permition
	(enu)
described in this application.	
Name: 6 Arry Altought	201 1/10 200
Addiss Ste. 708 Rockville MD 202	Phene 301-468-3-200
Print Plat 11500 100CIUVIIIC 1	, rike
Address Ste. 108 Kockville MD 202	252 ima gary @altmanassociates.net
signature: 145 140, orienter	- 10/16/2016
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Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or 1. site plan with the parking layout of the proposed use. The SUP application checidist lists the requirements of the floor and site plans. The Planning Director may walve requirements for plan submission upon mostpt of a writton request which adequately justifies a weiver.

() Required floor plan and plot/site plan attached.

[]Requesting a wayer. See attached written request

The applicant is the (check one):.

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1 Other:

[] Contract Purch M Lesson-er Antened

Copy

of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner . unless the entity is a corporation or partnership, in which case identify each owner of more than tell percent.

SUP	2013-00847	

OWNERSHIP AND DISCLOSURE STATEMENT Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. BEHKEGEZ REIZADIN	1318King JT	
	ACO. VA 22314	1007.
2.		
3.		
L		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at ____(address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
GARY Altimon	Sote Trustee	11300 BOCK VIE PIT
2. Andrew Kasin	11300 ROCEVILLE PIEMP 11300 ROCEVILLE PIE	
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1:Behronz RAirzadeh	Masse	
2 GAKY AITMU	None	
3. Andrew Rali-	Non	

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true

and correct NAUSZade n Printed Name

Signature

16

	SUP #
PROPERTY OWNER'S AUTHORIZATION	
As the property owner of	, I hereby
grant the applicant authorization to apply for the	use as
(use) described in this application.	
Name:	Phone
Please Print Address:	Email:
Signature:	Date:

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

[] Requesting a waiver. See attached written request.

2. The applicant is the (check one):

[] Owner [] Contract Purchaser Attached Copy of Laude Agricement Lessee or [] Other: of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

SUP #20/

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

[] Yes. Provide proof of current City business license

[] No. The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

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REVISED

USE CHARACTERISTICS

- 4. The proposed special use permit request is for (check one):
 - [k] a new use requiring a special use permit,
 - [] an expansion or change to an existing use without a special use permit,
 - [] an expansion or change to an existing use with a special use permit,
 - [] other. Please describe:_____
- 5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

Ten client aday

- B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).
- 6. Please describe the proposed hours and days of operation of the proposed use:

Day: MON - FRI	Hours:
SAturday	11-5
Sunday	closed
v	

- 7. Please describe any potential noise emanating from the proposed use.
 - A. Describe the noise levels anticipated from all mechanical equipment and patrons.

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B. How will the noise be controlled?

19

8. Describe any potential odors emanating from the proposed use and plans to control them:

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- **9.** Please provide information regarding trash and litter generated by the use.
 - A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)
 - B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

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C. How often will trash be collected?

D. How will you prevent littering on the property, streets and nearby properties?

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- **10.** Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?
 - [] Yes. 🕅 🕅 No.

If yes, provide the name, monthly quantity, and specific disposal method below:

7

SUP #

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

[] Yes. 🕅 No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

standard state C 08 Code Well code requirements OSHA as Ove met maintained and

ALCOHOL SALES

13.

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?
 - [] Yes 🙀 No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

SUP #	613-0084	

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

	Ц_ Standar	d spaces
<u></u>	Compac	ct spaces
		Customer Parking
		g and Zoning Staff Only
Required numb	er of spaces for use pe	er Zoning Ordinance Section 8-200A
Does the applic	ation meet the require	
		[]Yes []No
	e is required parkir site	ng located? (check one)

[] off-site

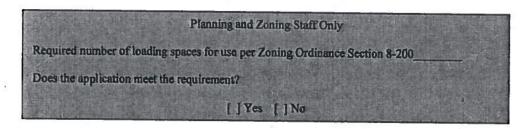
If the required parking will be located off-site, where will it be located?

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide offsite parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

[] Parking reduction requested; see attached supplemental form

- **15.** Please provide information regarding loading and unloading facilities for the use:
 - A. How many loading spaces are available for the use? _____NA



SUP #>

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

[] Yes. [X] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

state standard C Code 0.5 Well Code requirements as OSHA Ove met maintained and

ALCOHOL SALES

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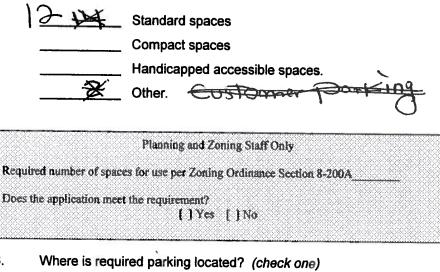
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8

	SUP #	13-0084
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PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:



If the required parking will be located off-site, where will it be located?

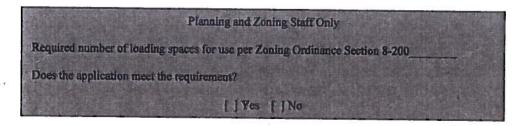
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[] Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? _____N



(14)		SUP #2013-0084
	B.	Where are off-street loading facilities located?
	C.	During what hours of the day do you expect loading/unloading operations to occur? \mathbb{N}
	D.	How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
16.	necessa	t access to the subject property adequate or are any street improvements, such as a new turning lane, ary to minimize impacts on traffic flow?
	<u>N</u>	O ACCESS TO The subject property from main street (Kink Street) Existing alley access is adequate
SITE		ACTERISTICS
17.	Will the	proposed uses be located in an existing building? Nes [] No
	Do you	propose to construct an addition to the building? [] Yes 🕺 No
	How larg	ge will the addition be? square feet.
18.		Il the total area occupied by the proposed use be? こんらら
	1010	d T C C
19.	[∕] a sta [] a hou [] a wai	posed use is located in: <i>(check one)</i> nd alone building use located in a residential zone rehouse opping center. Please provide name of the center:
	[] an of	fice building. Please provide name of the building:

End of Application





Supplemental information to be completed by applicants requesting special use permit approval of an automobile-oriented use (e.g., automobile repair garage, car wash, auto or trailer sales).

1. What type of automobile oriented use do you propose?

A automobile or motor vehicle parking or storage lot.

- [] automobile or trailer rental or sales.
- [] automobile service station.
- [] automobile repair, including car wash.
- [] other:_____
- 2. What types of repairs do you propose to perform?

NIA octed repairs will $\cap \cap \cap$ vehicles STe ìS and STava $\mathbf{n}\mathbf{v}$

- 3. How many of each of the following will be provided?
 - ______ hydraulic lifts or racks
 ______ service pits
 ______ service bays
- 4. How many vehicles will be parked on-site at any one time. Please provide information on the type (i.e., for sale, customers, employees, or repairs)?

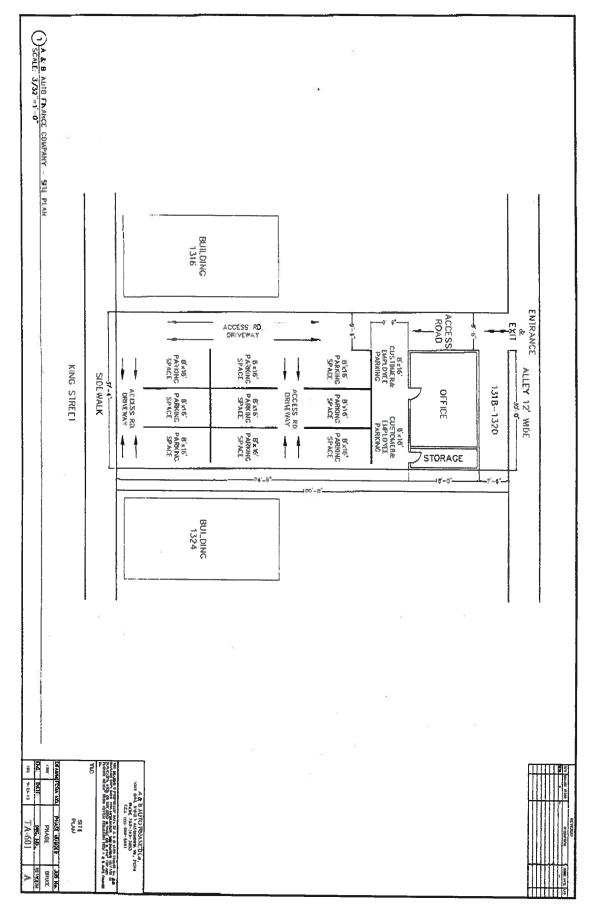
for Sale a vehicles will he vehicles Tomer and employee

5. Will a loudspeaker or intercom system be used outside of the building? Yes Ves

Please note: All repair work must occur within an enclosed building.

application SUP auto uses.pdf 3/1/06 PnzVapplications, Forms, Checklists/Planning Commission





AL.

28

REVISED

Planning Commission Public Hearing January 7, 2014

K. Scott Brown 111 Harvard Street Alexandria, VA 22314 70-567-9928

a 1. is

Good evening Chairman Komoroske and Commission members:

My name is Scott Brown. I live on Harvard Street in Old Town. I am a member of the Upper King Street Neighborhood Association.

I support the City Staff's recommendation to <u>denv</u> the SUP's for A & B Auto (SUP13-084) and Kings Auto (SUP13-085). I encourage the Commission to deny the SUP's because the used automobile sales lots have tarnished the streetscape of Upper King Street for far too long. Moreover, the used auto sales businesses are entirely incompatible with the 2005 King Street Retail Strategy ("KSRS") and with the 2009 King Street Retail Analysis ("Gibbs Report").

While these auto sales businesses may have existed for some time, the KSRS vision for King Street is one that looks <u>forward</u> and <u>enhances</u> the existing retail environment to ensure an <u>attractive</u>, <u>vital</u> pedestrian place serving local residents and visitors alike. The KSRS specifically provides that these existing car lots are inconsistent with this vision, and that these properties should be redeveloped consistent with the retail vision.

In addition, the Gibbs Report clearly contemplates that King Street be revitalized with "destination" type retailers, specialty shops, and restaurants, so that King Street can compete with other attractive shopping centers.

The Gibbs Report <u>specifically</u> addresses the commercial enhancement opportunities for <u>Upper King Street</u> (Payne Street up to the Metro Station). The report provides that Upper King Street:

- 1. Can support additional restaurant development.
- 2. Has the least amount of pedestrian and tourist traffic.
- 3. Has the <u>potential</u> to expand its unique brand and collection of exciting oneof-a-kind shops and restaurants.
- 4. <u>Recommends</u> that the City take steps to encourage a collection of small independent bistro cafes and club, destination restaurants, and other businesses desired by both the local community and visitors.

In short, the Gibbs Report clearly recommends destination type businesses that will <u>attract</u> pedestrians and tourists to Upper King. The used auto lots are <u>not</u> destination type businesses.

There is no two ways about it – the used car lots are an impediment to achieving the overriding goal of transforming King Street into a premiere shopping and dining destination.

I encourage you to have the <u>vision</u> and <u>fortitude</u> to deny the SUP so that Upper King Street has the opportunity to shine as a premiere destination in its own right.

Thank you for listening.

CC Trey Hanbury, President, Upper King Street Neighborhood Association

PC Docket Item #: 5+6Project: 1310 + 1318 Ungst

Planning Commission Public Hearing

January 7, 2014

K. Scott Brown

111 Harvard Street

Alexandria, VA 22314

70-567-9928

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The Gibbs Report <u>specifically</u> addresses the commercial enhancement opportunities for <u>Upper King Street</u> (Payne Street up to the Metro Station). (Note that the auto lots are within this zone). The report provides as follows:

The area [Upper King Street] is also surrounded with major employment centers that can support additional <u>restaurant</u> development. Upper King is mostly made up of small independent businesses, and has the <u>least</u> amount of <u>pedestrian and</u> <u>tourist traffic</u>. Upper King has the <u>potential</u> to expand its unique brand and collection of exciting one-of-a-kind shops and restaurants. This <u>study recommends</u> that the Upper King area be granted a limited number of exceptions to the Special Use Permit process in order <u>to encourage a collection of small independent bistro cafes and</u> <u>clubs</u>. In addition, several larger destination restaurants such as Capital Grill, J. <u>Alexander's or Houston's Grill can meet the office demand and serve to anchor the</u> <u>area</u>.

The Gibbs Report specifically cites examples of "destination" type businesses such as The Discovery Store, The Apple Computer Store, Brooks Brothers, Coach, Ralph Lauren, Capital Grill, and Dean & DeLuca. As an existing example, the Gibbs Report states that "Books A Million is one of King Street's largest retailers and provides goods and service that are <u>desired by both the local community and visitors</u>."

In short, the Gibbs Report acknowledges Upper King Street's lack of pedestrian and tourist foot traffic. As such, the Gibbs Report clearly recommends destination type businesses that will <u>attract</u> pedestrians and tourists to Upper King. The used auto lots are <u>not</u> destination type businesses.

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Thank you for listening.

PC Docket Item #: 5+6
Project: 1310 4 1318 King St.
· · · · · · · · · · · · · · · · · · ·

From: Sent: To: Subject: cohn.pete@gmail.com Thursday, January 02, 2014 10:24 PM Nathan Randall; Kendra Jacobs Fwd: Support Denial of SUP's for Used Auto Lots On King

Dear Nathan and Kendra,

For all the reasons cited below, I support the staff recommendation to deny the SUPs for A&B Auto (SUP13-084) and Kings Auto (SUP13-085).

Many thanks,

Peter Cohn 125 Harvard Street Alexandria VA 22314

Begin forwarded message:

----- Forwarded Message -----From: K. Scott Brown <<u>kevinscottbrown@yahoo.com</u>> To: "<u>nathan.randall@alexandriava.gov</u>" <<u>nathan.randall@alexandriava.gov</u>>; <u>"kendra.jacobs@alexandriava.gov</u>" <<u>kendra.jacobs@alexandriava.gov</u>> Cc: Trey Hanbury <<u>trey.hanbury@gmail.com</u>> Sent: Thursday, January 2, 2014 2:04 PM Subject: Support Denial of SUP's for Used Auto Lots On King

Nathan,

I support the City Staff's recommendation to <u>deny</u> the SUP's for A & B Auto (SUP13-084) and Kings Auto (SUP13-085). Below is my letter in support the denial. My testimony on Jan 7th will be a short version of the below.

Thanks, Scott. K. Scott Brown 111 Harvard Street Alexandria, VA 22314 703-567-9928

PC Docket Item #:	546
Project: <u>1310 41318</u>	King St.

From: Sent: To: Cc:

cbchristopher@yahoo.com Thursday, January 02, 2014 3:54 PM Nathan Randall Charles Christopher

Dear Mr. Randall,

Please vote to deny the SUP for the car lots on King Street. Their presence is incompatible with sensible development of Upper King Street. Thank you.

Charles B. Christopher 521 Hilltop Terrace Alexandria, VA 22301

Sent from Windows Mail

PC Docket Item #: 35 4 546 Project: 1310 41318 King St

From: Sent: To: Cc: Subject:

Laura Campbell <laura@lcaia.com> Thursday, January 02, 2014 2:56 PM Nathan Randall Trey Hanbury Please Deny SUP's for Used Car Lots

Nathan

I've lived at 109 Harvard St. for 13 years, and I just wanted to email to let you know that I support the City Staff's recommendation to <u>deny</u> the SUP for A&B Auto and Kings Auto. Used car lots are incompatible with the current vision for Upper King Street, and I look forward to seeing them replaced with cafes, bistros or maybe even an Apple Store!

All best, Laura

Laura Campbell, AIA, LEED AP Homes <u>www.LauraCampbellArchitecture.com</u> 703.328.6815

PC Docket Item #: 377 546 Project: 1310 x 1318 King St

Kendra Jacobs

From: Sent: To: Subject:

Ruth Chamowitz <rchamowitz@chamlaw.com> Thursday, January 02, 2014 2:54 PM Nathan Randall auto lots

Dear Mr. Randal,

I support the recommendation of Council that the SUPs of the auto sales lots on Upper King Street be denied. I am an Alexandria resident and own a townhouse at 113 Harvard Street. I do not believe the lots are in keeping with the retail develop which I hope continues on Upper King Street.

Thanks for considering my opinion, Ruth L. Chamowitz 805 E. Timber Branch Pkwy. Alexandria, VA 22302

PC Docket Item #: 5+6 Project: 1310 +1318 King St.

From:	K. Scott Brown <kevinscottbrown@yahoo.com></kevinscottbrown@yahoo.com>
Sent:	Thursday, January 02, 2014 2:04 PM
То:	Nathan Randall; kendra.jacobs@alecandriava.gov
Cc:	trey.hanbury@gmail.com
Subject:	Support Denial of SUP's for Used Auto Lots On King

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CC Trey Hanbury, President, Upper King Street Neighborhood Association

Planning Commission Public Hearing

January 7, 2014

K. Scott Brown

111 Harvard Street

Alexandria, VA 22314

70-567-9928

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Thank you for listening.

PC Docket Item #:<u>3</u> Project: <u>1310 41318 King St</u>

From: Sent: To: Subject: trey.hanbury@gmail.com Thursday, January 02, 2014 11:24 AM Nathan Randall Re: January SUPs

Nathan,

On behalf of the Upper King Street Neighborhood Association (UKSNA), I am writing to express our opposition to renewal of the Special Use Permit for the used car dealership located in the Old Town and Parker Gray historic districts. The non-conforming use at 1310 King Street and 1318 King Street is not only at odds with the historic character of the area, but also contrary to the predominant commercial use of the street. A used car dealership simply has no place in this portion of the Old and Historic Alexandria District, which is occupied by pedestrian friendly commercial and residential properties.

UKSNA is the civic league for residents and businesses located between the King Street Metro and Washington Street. We have more than one hundred followers on our list serve and hold regular meetings throughout the year to address issues of importance to our community. Our association has long sought to protect and expand the walkable, mixed-use development that makes our neighborhood such a desirable place to live, work, learn, worship and play. As our name implies, the core of our neighborhood is King Street – a historic gem that features a full range of the late-eighteenth and nineteenth century styles and is especially notable for its Federal architecture. Over time, the series of closely-spaced, attached and semi-attached historic buildings that line Upper King Street have developed into a lively, pedestrian friendly venue for goods and services that attract residents and tourists alike.

The used car dealership at 1310 and 1318 King Street creates two voids in the otherwise pedestrianaccessible expanse of commerce along King Street. The cars for sale are positioned on a rutted, potholed lot perpendicular to the brick sidewalks of the King Street pedestrian thoroughfare. The sign for the business leans toward the walkway and features two flat panels of aluminum with roughly welded seams and irregular hand lettering. Past the collection of battered, time-worn vehicles toward the back of the lot is an ersatz sales office that has the appearance of a small mobile home with the wheels removed – powder-blue, faux brick siding beneath a rusted aluminum frame with irregularly spaced letters and numerical address pasted on it. The business does not contribute to the community, but instead creates a "dead zone" of pedestrian traffic that provides no visual interest and discourages walking along this portion of King Street.

We respectfully request the Planning and Zoning Board deny the SUP for this non-conforming use and return the property to a use more compatible with the character of the community and the needs of its residents. We strongly support historic preservation, commercial uses, and higher density, mixed-use development. The used car lot currently at this location advances none of these goal, however. As a community, we can do far better than the used car dealership at 1310 and 1318 King Street, which has had ample time to prepare for the transition to an alternative use that contributes more to the local community.

Sincerely,

Trey Hanbury President On Thu, Nov 21, 2013 at 5:31 PM, Nathan Randall <<u>Nathan.Randall@alexandriava.gov</u>> wrote:

Trey-

I also wanted to let you know that we've received a some SUPs that UKSNA may be interested in for the January public hearings:

1. 1310 King Street – SUP request to continue operation of nonconforming automobile sales business.

2. 1318 King Street – SUP request to continue operation of nonconforming automobiles sales business.

3. 111 South Columbus Street – SUP request to operate French restaurant (relocation of La Bergerie). This may be outside of your area but I wanted to let you know nonetheless.

Please let me know if you have any questions or would like copies of the SUP.

Nathan

Nathan Randall, Urban Planner III

City of Alexandria

Department of Planning and Zoning

301 King Street, Suite 2100

Alexandria, VA 22314

<u>703.746.4666</u> (office)

703.746.3848 (direct)



#3+4 1310 + 1318 King St

Old Town Business & Professional Association PO Box 1294 Alexandria, Virginia 22313

February 25, 2014

City of Alexandria Planning Commission 301 King Street Alexandria, VA 22314

Dear Mr. Chairman and Members of the Alexandria Planning Commission,

By unanimous vote at the Old Town Business & Professional Association (OTPBA) Board Meeting held on February 18, 2014, the Board moved to speak in favor of the auto dealerships at 1310 and 1318 King Street remaining in place.

The members of OTBPA believe that the City should not decide what existing businesses stay and which businesses relocate based on a "retail strategy" adopted in 2006 with arbitrary definitions of "desirable" businesses. We ask that the Alexandria Planning Commission remove any timetable requiring these private, taxpaying, long term tenants to terminate their business operations on King Street, currently on the docket for the March 4th meeting.

A&B Auto Finance and Kings Auto, Inc, both on the 1300 block of King Street, have conducted legitimate businesses for many years in the same location. They do not have another site to move to, nor do they want to relocate.

Our understanding is that there is not a current development plan or potential buyers for the properties. Until a buyer or developer has contracted a deal with the owners, we feel the Planning Commission should not be involved in closing down businesses.

OTBPA believes that Alexandria City government should not be targeting enterprises that do not share its vision. A vibrant retail community comes from allowing as many legitimate businesses as will fit on the street, and then letting the marketplace decide which of those businesses he or she will support. Attempts to force out some businesses or keep others out have one common thread - this is discrimination based on someone's taste.

We further question whether an "adopted retail strategy" can take precedence over the legal rights of tenants and landlords. As an attachment to this letter, please find comments from readers of an article about this issue in *The Old Town Alexandria Patch*, January 13,2014. All comments have been included.

Thank you for your consideration. We look forward to our neighbors staying in business on King Street.

Sincerely,

Carol Supplee President Old Town Business and Professional Association

Attachment: Comments from readers of article in Old Town Alexandria Patch

cc: The Honorable Mayor and Members of the Alexandria City Council Rashad M. Young, City Manager

Comments

.

T u b n	adrea Grenadier January 14, 2014 at 08:30 AM is is really sad. I live right across the street from the used car lot, and they are good neighbors like some mixed-use monstrosity that will probably be approved for that space, designed (no less) one of Alexandria's least-distinguished architects, ie, just another brick box. I understand the ed to improve the King Street corridor, but it often happens at the expense of a good business at also helps to humanize our living space. 2 Recommend
	Flag as Inappropriate
o p r t	thy January 14, 2014 at 08:43 AM no these dealerships have been there since the sixty and seventies maybe even before they are rt of king street there has been dealerships on king st for the past fifty years is and was the main ason on the weekends to go to town to look at the cars and all the shops from commonwealth ave the river is always and interesting stroll leave them there and try doing a beatification to the lots d color dont take away 3 Recommend
	Flag as Inappropriate
	autywest1 January 14, 2014 at 09:14 AM upport Small Business 3 Recommend Flag as Inappropriat
	apport Small Business 3 Recommend
I S	apport Small Business 3 Recommend
I S	Ipport Small Business B Recommend Flag as Inappropriat Irea Grenadier January 14, 2014 at 09:53 AM candria used to support small business, tool Recommend
I S Ar Ala Sa "h	Recommend Flag as Inappropriat Flag as Inappropriat Flag as Inappropriat Flag as Inappropriat Flag as Inappropriat Irea Grenadier January 14, 2014 at 09:53 AM candria used to support small business, tool

Au Revoir, King Street's Used Car Dealerships - Government - Old Town Alexandria, V... Page 4 of 6

Why not? If they're legitimate businesses with a need, who decides? They would sure beat another mediocre pizza joint.

1 Recommend

Flag as Inappropriate

Lakisia Huli January 14, 2014 at 03:24 PM

I think that this is truly unfortunate. King street is full of small businesses and the dealerships are just that. I agree with the above poster, that they humanize the city. Alexandria, especially Old Town, is fast becoming a place that is not welcoming to the average consumer. (and I am not saying that the car dealerships are that) Most of us can't afford to live there and high end boutiques are not for most of us either. It would be nice for the City to learn how to balance.

2 Recommend

Flag as Inappropriate

Doug January 16, 2014 at 10:41 AM

As you all state these opinions do take note that you are saying that "they" (whoever "they" are) shouldn't decide what can and can't be on King Street. Instead, "we" should decide. Well it seems clear to me that "we" decided that high end boutiques should be there because "we" are the ones who are keeping them in business. Rents on King Street are very, very high. Those businesses wouldn't stick around if they didn't have the revenue to make their business ventures successful. And, last I checked, most businesses on King Street are still small businesses. So what do you want to see on King Street? For them to stay or them to go? Small or big? Let your wallet do the talking. Don't hope that the city government will make the right decision who what businesses are on King Street. As you all are defining it, right decision in this case is the decision that best fits your opinion. Recommend

Flag as Inappropriate

2.1		Post comment
	 	• • • • • • • • • • • • • • • • • • •
2		
Leave a comment		

http://oldtownalexandria.patch.com/groups/politics-and-elections/p/au-revoir-king-street-c... 1/17/2014