Application	G	eneral Data
	Planning Commission	
Consideration of a Special Use	Hearing:	March 4, 2014
Permit request to continue operation	City Council	
of a nonconforming automobile	Hearing:	March 15, 2014
sales business.		
Address:	Zone:	KR / King Street Urban Retail
1310 King Street		
Applicant:	Small Area Plan:	Old Town and King Street Retail
Vafa Zarineh		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 nathan.randall@alexandriava.gov

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.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Reza Sasani, representing the 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 the 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.

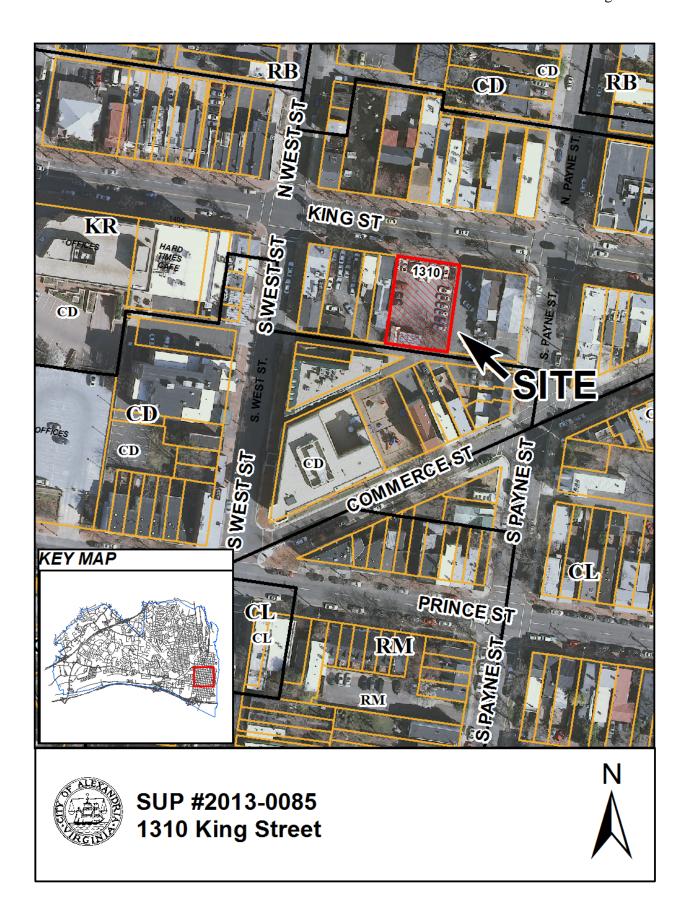
<u>PLANNING COMMISSION ACTION, JANUARY 7, 2014</u>: On a motion by Commissioner Wagner, seconded by Commissioner Hyra, the Planning Commission <u>deferred</u> the request to the March 2014 meeting of the Planning Commission. The motion carried on a vote of 7 to 0.

<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.

Reza Sasani, representing the applicant, spoke in favor of the request.



I. DISCUSSION

The applicant, Vafa Zarineh by Reza Sasani, agent, requests Special Use Permit approval to continue operation of an existing nonconforming automobile sales business at 1310 King Street.

SITE DESCRIPTION

The subject site is one lot of record with 71 feet of frontage on King Street, 100 feet of depth and a total lot area of approximately 7,100 square feet. The property is improved with a one-story, 336 square-foot office structure and surface parking lot.

The property is surrounded by commercial and residential uses. Several retail shops, such as Pacers and Chinoiserie, as well as two restaurants and another nonconforming automobile sales business, are located along this block of King Street. Residential townhouses and a recently-approved



gelato shop are located to the south facing South Payne and Commerce Streets.

BACKGROUND

An automobile sales business has operated at this site since at least 1941. The property was zoned to C-3 in 1951, which required Special Use Permit approval for automobile sales businesses. No Special Use Permit approval was obtained. It was rezoned to CD as part of the City-wide rezoning in 1992.

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 in this location 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 an existing nonconforming automobile sales business at this location. The business offers up to 26 used vehicles for sale at any one time. Administrative offices are located in the 336 square-foot structure located at the southern edge of the site. Additional elements of the applicants' proposal are as follows:

<u>Hours of Operation:</u> 10 a.m. – 6 p.m. Monday – Friday

11 a.m. - 5 p.m. Saturday

Customers: Up to 10-15 customers each day

<u>Employees:</u> Typically four at any one time, six to eight in total

Noise: Only noises associated with the business is the starting of vehicle

engines and will be controlled to prevent excess noise.

Odors: Minor exhaust odors may be present occasionally

Trash/Litter: Approximately one bag of office paper and trash is generated each

week.

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

Technically the automobile sales business has no parking requirement since it has been in operation since at least 1941. 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 27 off-street parking spaces. The applicant exceeds current parking regulations with the provision of 28 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 has specifically recommended that this use should be made nonconforming and eventually redeveloped in a manner consistent with stated planning goals. Staff sees no mitigating circumstances, such as it being neighborhood serving or compatible with the surrounding neighborhood, in favor of the continuation of the use. The applicant has not provided evidence of needing a greater opportunity to realize a return on his business investment. It further believes that continuing the use is neither desirable nor practically necessary. To support the planning goals 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 principle 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 wide void (71 feet) 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 birthday gift might also buy a greeting card and wrapping paper 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 provides for the possibility of the continuation of a nonconforming use if it is neighborhood-serving and compatible with the surrounding neighborhood. Staff finds, however, that the automobile-oriented use is not compatible with the neighborhood character. The property is surrounded by a mix of small retail shops, restaurants, and upper-level residential apartments. Residential townhouses and a day care center are also located in close proximity to the south across an alley. Aside from the similarly-situated automobile sales business at 1318 King Street, no other automobile-oriented businesses are located on adjacent blocks or elsewhere on King Street between the waterfront and Metro.

While it is possible that 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.

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 asked staff to consider, should it not recommend permanent approval for the continuation of the use, that a temporary extension should be allowed for at least another one to two years. Such an extension would 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. 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 22 years.

As a practical matter, if the Special Use Permit request is denied, the applicant will have a reasonable period of time in which to wrap-up final business matters as a practical matter 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. For example, 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. Staff has not recommended a similar approach here, despite the likelihood that the property may be vacant at some point in the future until it is redeveloped, 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 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, suburbandesigned, 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.

Redevelopment

With regard to longer-term plans, staff has held a preliminary conversation with the property owner regarding potential redevelopment of the site. The owner has explained that he has attempted redevelopment in the past, but found that market conditions in past years have not supported new retail tenant space. He also mentioned a since-abandoned concept for a hotel he had considered at this location. At the present time, the property owner is marketing the subject property along with the property it owns immediately to the east at 1300-1304 King Street as a built-to-suit opportunity for a new retail tenant.

Although staff recognizes that the 2008-2009 economic downturn may have reduced demand for certain redevelopment projects, it still believes that this property is a realistic candidate for redevelopment. The applicant is currently soliciting offers, and in recent years the opening of the new Le Tastevin wine shop, the expanded Pacers running store, and the relocated Chinoiserie home décor shop on the 1300 block of King Street offer examples of interest in retail tenant space on this portion of King Street. Staff expects to have further conversations with the property owner 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. Staff has also included Condition #4 to limit the number of vehicles offered for sale at any one time at 23, which is a reduction from the 26 vehicles noted in the application. This change will provide three additional off-street parking for customers or employees, bringing the total number of such spaces to five. It also recommends that a standard staff-level review occur in six months (Condition #17) and that the Special Use Permit expire

one year from approval unless the applicant obtains new Special Use Permit approval (Condition #18).

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 it can recommend the continuation of the use on either a short or long-term basis.

Staff recommends denial of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends **DENIAL** of the requested Special Use Permit. If the request were instead approved, staff recommends 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 23 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. 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)
- 7. 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)
- 8. 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)

- 9. 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)
- 10. 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)
- 11. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- 12. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (T&ES)
- 13. 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)
- 14. 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)
- 15. 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)
- 16. 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)
- 17. 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)
- 18. 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

<u>Transportation & Environmental Services</u>

- 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 commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Code Enforcement

F-1 No comments

Health

F-1 No comments

Parks and Recreation

F-1 No comments received

Police Department

F-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.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2013-0085

PROPERTY LOCATION: 1310 KING 5	Treet, Alexandria VA 22314
TAX MAP REFERENCE: 064-03-12-0	9zone:
Name: VAFA ZARINEH - KIN	igs Auto Inc.
Address: 1310 KING Street, Ale	exandria VA, 22314
PROPOSED USE: DISPLAY Lot / A	LTO SAIBS
THE UNDERSIGNED, hereby applies for a Special Use Section 4-11-500 of the 1992 Zoning Ordinance of the City of A	
THE UNDERSIGNED, having obtained permission from City of Alexandria staff and Commission Members to visit, insconnected with the application.	
THE UNDERSIGNED , having obtained permission from City of Alexandria to post placard notice on the property for wh Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City	ich this application is requested, pursuant to Article IV,
surveys, drawings, etc., required to be furnished by the application and any specific oral representation application will be binding on the applicant unless those materials or illustrative of general plans and intentions, subject 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandra Sasanias Vara agent in Follows VAFA TARIJEH	cant are true, correct and accurate to the best of their by written materials, drawings or illustrations submitted tions made to the Director of Planning and Zoning on aterials or representations are clearly stated to be non-to substantial revision, pursuant to Article XI, Section
Print Name of Applicant or Agent 1310 King Street	103-336-7100 703-54K-4893
Mailing/Street Address Alexandria, VA. 22314 City and State Zip Code	Telephone # Fax # Vafa Zar @ Gmail. Com Email address
ACTION-PLANNING COMMISSION:	DATE:
ACTION-CITY COUNCIL:	DATE:

SUP2013-0085

As the	property owner of 1310 KING STREET
	(Property Address)
grant ti	he applicant authorization to apply for the <u>SPECIAL USE PERMIT</u> use as (use)
describ	bed in this application.
Name:	1310 KING STREET, U.C. Phone 202-387-0606
Addres	Please Print S. 1601 COMV. AUE, NLY S 800 NDC Z0009 Email: MRKAIN@ AOL COM
Signa	11/12/12
	MANAGING MEMBER MICHALL KAIN
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 [] Contract Purchaser [] Other: of the subject property.
State unles:	the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, s the entity is a corporation or partnership, in which case identify each owner of more than ten percent.
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SUP2013-0085

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
VAFA ZARINE	H Alex VAJ 52314	Tenent 100%
	*	20/2 12

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1310 KING STREET (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
KAIN FAMILY LP	VASHINGTON DC 20009	50%
2. KING STREET FOUR BALL, LU	CTOY DORR AVE CFAIRFAX, VA 22031	50%
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require 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. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).

For a list of current council, commission and board members, as well as the definition of business

and financial relationship, click here.

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.)
NONE		
NONE	3 -	
NONE NONE		

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.

10/23/13

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SUP £2013-0085

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.)

Since 1991 and The experiences That we have earned over These years, and as member of Alexandra which Certainly explains all our motivations as one of very and more generale specially our old root of business Specially a and better outcome economy for our Sustain and maintain an healthy business, in This economy Crisis request you to grant and provide opportunity for The business That was very Constructive a backbone basis for Creating Jobs in all aspects of This business Rield, and giving us opportunity play our share and Contribution by Issuing use permit enables us to continue our business That all entities engaged would get benefited and benefited for The Society too.

Nathan Randall

From:

Reza Sasani <rsasani62@gmail.com>

Sent:

Friday, November 29, 2013 11:38 AM

To:

Nathan Randall

Subject:

1310- King's Auto Special Use Permit-Existing Used Auto Dealership

Dear Mr. Randall,

Hello,

Pursuant to the SUP application submitted on 10/23/2013, we would like to inform you that the purpose to request to grant extended and the special use permit request for King's Auto as a existing auto sales business that it has been established since 1991.

Best Regards,

Reza Sasani

Cell. 703-965-5055

SUP #2013-0085

USE CHARACTERISTICS

4.	The p	roposed special use permit request is for (check one):
	[] aı	new use requiring a special use permit,
		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,
	M oth	ner. Please describe: <u>Continuous to The EXB ting USE</u>
_		
5.	Pleas	e describe the capacity of the proposed use:
1	A.	How many patrons, clients, pupils and other such users do you expect?
		Specify time period (i.e., day, hour, or shift).
		10-15 Clients per day
	В.	How many employees, staff and other personnel do you expect?
	*	Specify time period (i.e., day, hour, or shift).
		6-8 employees
6.	Pleas	e describe the proposed hours and days of operation of the proposed use:
	- **	
	Day:	Mon Fe T Hours:
		.7011 = (10.1
		Mon_FRJ Hours: 10-6 pm Saturday 11-5 pm Sunday Closed
		Simple
		Sunday Closed
		•
7.	Please	e describe any potential noise emanating from the proposed use.
	A.	Describe the mains levels activities to 15 miles
	Λ.	Describe the noise levels anticipated from all mechanical equipment and patrons.
	3	only starting engine being produced in
		minimum level of norse
	В.	How will the noise be controlled?
		The a single of States a oncent
		The engine noise of Starting engine at minimum controllowinin me property
		at minimum controlled within the property
		promises.



	There is a minor smelling & odors emanating in This environment lot from Engine as result of st
Pleas	se 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) Minimum trash office paper only
B.	How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or pweek)
	one bag per week
C.	
C.	How often will trash be collected?
D. Will a	How will you prevent littering on the property, streets and nearby properties?

SUP #2013-0085	

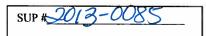
11.		organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be , stored, or generated on the property?	
	[] Ye	t ⋊ No.	
	If yes,	rovide the name, monthly quantity, and specific disposal method below:	
12.	What r	ethods are proposed to ensure the safety of nearby residents, employees and patrons?	
		City state standard Code (OSHA) Code That required and are met and	
		maintained	
	OHOL	SALES	
13.	Α.	Will the proposed use include the sale of beer, wine, or mixed drinks?	
		[] Yes K No	
		If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC licer include on-premises and/or off-premises sales.	nse will

SUP \$2013-0085

PARKING AND ACCESS REQUIREMENTS



		Standard spaces	
		Compact spaces	
		Handicapped accessible spaces.	
		Other.	
	-	Planning and Zoning Staff Only	
	Requi	ired number of spaces for use per Zoning Ordinance Section 8-200A	
	Does	the application meet the requirement?	
		[]Yes []No	
	В.	Where is required parking located? (check one)	
	J .	✓ on-site	
		[] off-site	
		If the required parking will be located off-site, where will it be located?	
ark us	king wi strial us	If the required parking will be located off-site, where will it be located? E: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses ithin 500 feet of the proposed use, provided that the off-site parking is located on land zone ses. All other uses must provide parking on-site, except that off-street parking may be provide with a special use permit.	d for comr
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ark us f ti	king wild strial us the use C. Please A.	TE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses ithin 500 feet of the proposed use, provided that the off-site parking is located on land zoned ses. All other uses must provide parking on-site, except that off-street parking may be provided in the special use permit. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION. [] Parking reduction requested; see attached supplemental form a provide information regarding loading and unloading facilities for the use: How many loading spaces are available for the use? Planning and Zoning Staff Only	d for comr vided with



	В.	Where are off-street loading facilities located?
	C.	During what hours of the day do you expect loading/unloading operations to occur?
	D.	How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
16.		et access to the subject property adequate or are any street improvements, such as a new turning lane, eary to minimize impacts on traffic flow?
		Accessible to me subject property from main street (King Street)
SITE	CHAI	RACTERISTICS
17.	Will the	e proposed uses be located in an existing building? 🂢 Yes [] No
	Do you	propose to construct an addition to the building?
	How la	rge will the addition be? square feet.
18. (Lot)		will the total area occupied by the proposed use be? 2 sq. ft. (existing) + 336 sq. ft. (addition if any) =sq. ft. (total)
19.	[X] a st [] a ho [] a w [] a sh [] an o	and alone building buse located in: (check one) are located in a residential zone arehouse hopping center. Please provide name of the center: office building. Please provide name of the building:

End of Application



APPLICATION - SUPPLEMENTAL

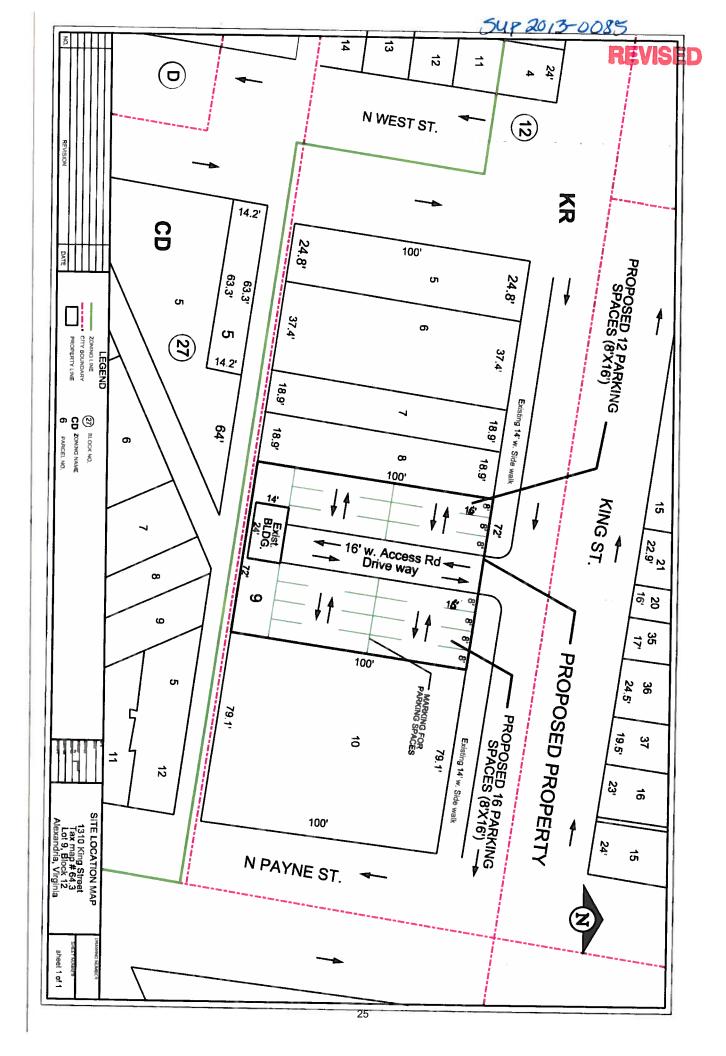
AUTOMOBILE-ORIENTED USES

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).

7.00	bile or motor vehicle parking or storage lot.
***	bile or trailer rental or sales.
	bile service station.
• •	bile repair, including car wash.
[] other: _	
What types	of repairs do you propose to perform? N/A
Repa	in in this lot would not be conducted, This
eur	Il be using for storage parking / Display
	0111
¥	. 0/ 1
How many	
How many	of each of the following will be provided?
ø	of each of the following will be provided? hydraulic lifts or racks
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Please note: All repair work must occur within an enclosed building.

application SUP auto uses.pdf
3/1/06 Pnz\Applications, Forms, Checklists\Planning Commission



Planning Commission Public Hearing January 7, 2014

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

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>deny</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 one-of-a-kind shops and restaurants.
- 4. Recommends 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.

Planning Commission Public Hearing

January 7, 2014

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111 Harvard Street

Alexandria, VA 22314

70-567-9928

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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 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 clubs</u>. <u>In addition, several larger destination restaurants such as Capital Grill, J. Alexander's or Houston's Grill can meet the office demand and serve to anchor the 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 desired by both the local community and visitors."

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 attract pedestrians and tourists to Upper King. The used auto lots are not destination type businesses.

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Thank you for listening.

PC Docket Item #: 5+0
Project: 1310 4 1318 King St.

From:

cohn.pete@gmail.com

Sent:

Thursday, January 02, 2014 10:24 PM

To:

Nathan Randall; Kendra Jacobs

Subject:

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 < kevinscottbrown@yahoo.com >

To: "nathan.randall@alexandriava.gov" <nathan.randall@alexandriava.gov" ; "kendra.jacobs@alexandriava.gov" <kendra.jacobs@alexandriava.gov" >

Cc: Trey Hanbury < trey.hanbury@gmail.com>

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: 1310 41318 King St.

From:

cbchristopher@yahoo.com

Sent:

Thursday, January 02, 2014 3:54 PM

To:

Nathan Randall

Cc:

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 #:_\
Project: \(\frac{3/0}{\psi} \psi

From: Sent:

Laura Campbell <laura@lcaia.com> Thursday, January 02, 2014 2:56 PM

To: Cc:

Nathan Randall

Subject:

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 deny 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 www.LauraCampbellArchitecture.com 703.328.6815

PC Docket Item # 546
Project: 1310 4 1318 King St

From:

Ruth Chamowitz < rchamowitz@chamlaw.com>

Sent:

Thursday, January 02, 2014 2:54 PM

To:

Nathan Randall

Subject:

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#: 576
Project: 1310 41318 King St.

From:

K. Scott Brown <kevinscottbrown@yahoo.com>

Sent:

Thursday, January 02, 2014 2:04 PM

To:

Nathan Randall; kendra.jacobs@alecandriava.gov

Cc:

trey.hanbury@gmail.com

Subject:

Support Denial of SUP's for Used Auto Lots On King

Nathan,

I support the City Staff's recommendation to deny 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

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

Good evening Chairman Komoroske and Commission members:

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Thank you for listening.

PC Docket Item #: 3 546

Project: 1310 41318 King S

From:

trey.hanbury@gmail.com

Sent:

Thursday, January 02, 2014 11:24 AM

To: Subject:

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 pedestrian-accessible 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 Upper King Street Neighborhood Association

On Thu, Nov 21, 2013 at 5:31 PM, Nathan Randall < Nathan.Randall@alexandriava.gov > 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

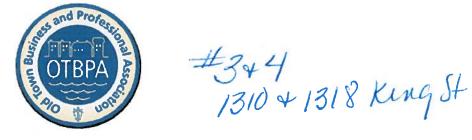
Department of Planning and Zoning

301 King Street, Suite 2100

Alexandria, VA 22314

703.746.4666 (office)

703.746.3848 (direct)



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



Andrea Grenadier January 14, 2014 at 08:30 AM

This is really sad. I live right across the street from the used cardot, and they are good neighbors -unlike some mixed-use monstrosity that will probably be approved for that space, designed (no less)
by one of Alexandria's least-distinguished architects, i...e, just another brick box. I understand the
need to improve the King Street corridor, but it often happens at the expense of a good business
that also helps to humanize our living space.

2 Recommend

Flag as Inappropriate



cathy January 14, 2014 at 08:43 AM

oh no these dealerships have been there since the sixty and seventies maybe even before they are part of king street there has been dealerships on king st for the past fifty years is and was the main reason on the weekends to go to town to look at the cars and all the shops from commonwealth ave to the river is always and interesting stroll leave them there and try doing a beatification to the lots add color dont take away

3 Recommend

Flag as Inappropriate

- beautywest1 January 14, 2014 at 09:14 AM
 - I Support Small Business
 - 3 Recommend

Flag as Inappropriate



Andrea Grenadier January 14, 2014 at 09:53 AM Alexandria used to support small business, too!

1 Recommend

Flag as Inappropriate



Scooby's Doo January 14, 2014 at 12:41 PM

Save the car dealerships! And maybe some payday lenders and car title loan places would help "humanize" and "add color" to the living space on King too.

Recommend

Flag as Inappropriate



Andrea Grenadier January 14, 2014 at 12:52 PM

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

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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

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