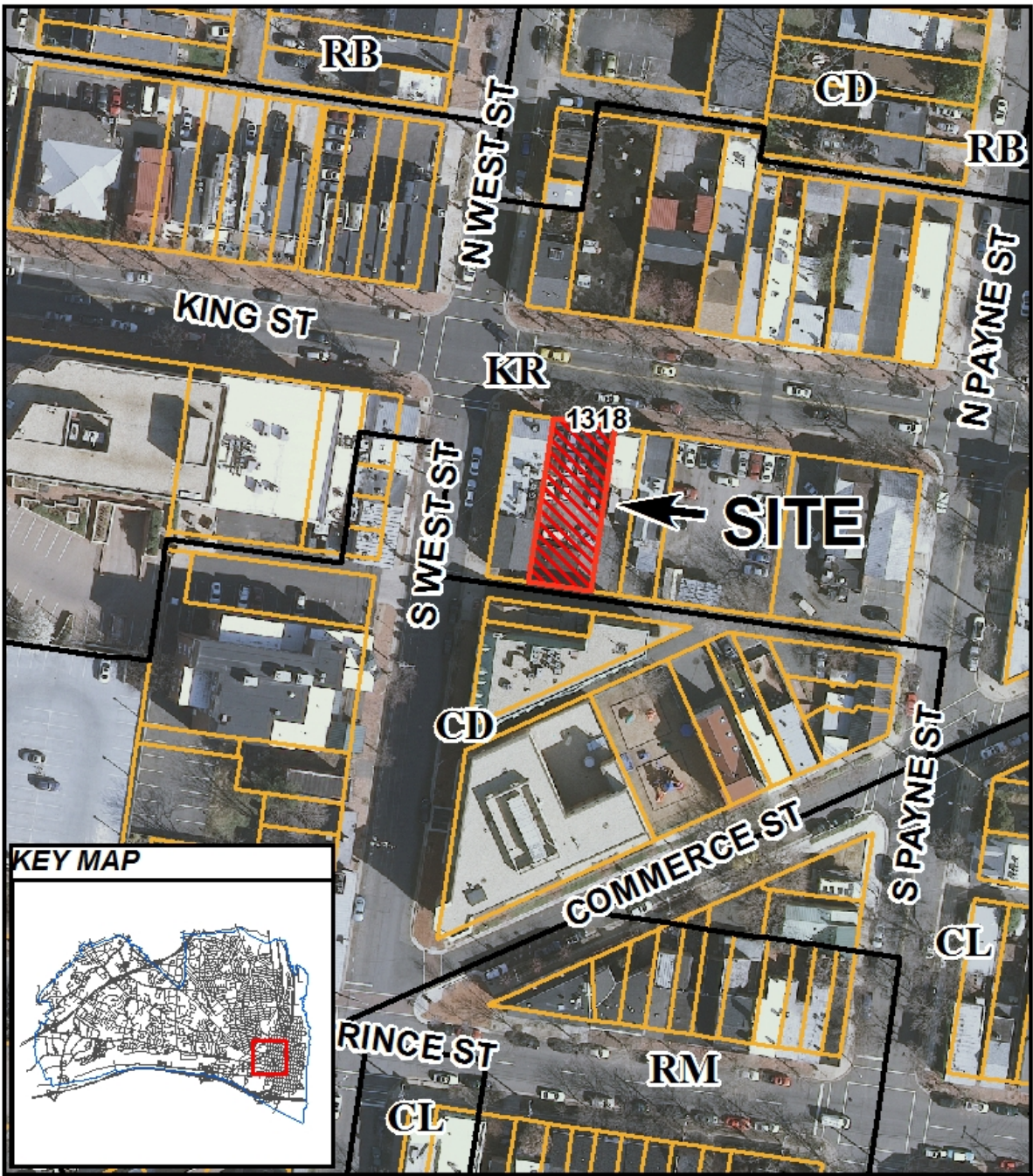


DOCKET ITEM #6
Special Use Permit #2014-0115
1318 King Street – A&B Auto Finance Company

Application	General Data	
Public hearing and consideration of a request for an amendment to previously approved Special Use Permit #2013-0084 to continue operation of a nonconforming automobile sales business.	Planning Commission Hearing:	February 3, 2015
	City Council Hearing:	February 21, 2015
Address: 1318 King Street	Zone:	KR/King Street Urban Retail
Applicant: Behrooz Raiszadeh represented by David L. Chamowitz, attorney	Small Area Plan:	Old Town

Staff Recommendation: DENIAL
Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov



SUP #2014-0115
1318 King Street



I. DISCUSSION

The applicant, Behrooz Raiszadeh, represented by David L. Chamowitz, attorney, requests Special Use Permit amendment 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 commercial uses, including Pacers and O'Shaughnessy's Pub, 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.



GENERAL BACKGROUND

An automobile sales business has operated at this site since 1962, when City Council approved Special Use Permit #503 for this location. 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. Section 6-702(D)(2) of the Zoning Ordinance further specifies 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 operators of nonconforming uses to, within seven years of notification of the nonconforming status, file for Special Use Permit approval, obtain an extension of the seven-year period or cease operation of the use.

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. The letter further explained the options available to the applicant and the need to take action no later than November 2013, which was seven years from the date of notification of the

nonconforming status of the use. Staff reminded the applicant in summer 2012 and again in July 2013 regarding the future of the use. The applicant subsequently filed for Special Use Permit approval (SUP#2013-0084) in October 2013 to continue operating the business. The case was docketed for the January 2014 public hearings of the Planning Commission and City Council.

Staff recommended denial of the SUP request in its report to the Planning Commission (see Attachment B.) Although the Commission agreed with the staff analysis, it deferred the request by two months to offer the applicant additional time to relocate the business. However, the applicant did not relocate it within the additional two-month period, and the Planning Commission recommended denial of the SUP request at its March 4, 2014 public hearing.

City Council approved the request at its March 15, 2014 public hearing, but only to continue operation of the use until October 31, 2014. In reaching its decision, City Council largely agreed with the staff analysis but responded to the applicant's request, made during the hearing, to at least extend the operation of the use for seven-and-a-half additional months to allow more time to find an alternate location for the use. City Council added Condition #19 to require the applicant to cease all operations at the site no later than October 31, 2014. City Council also strongly discouraged the applicant from returning for SUP approval in the future to extend the operation of the business beyond the expiration date.

RECENT DEVELOPMENTS

In April 2014, the property was sold to Kevin O'Shaughnessy, the owner of the immediately-adjacent property at the corner of King and West Streets that contains a deli and O'Shaughnessy's Pub.

The applicant informed staff in early October 2014 of his intent to apply for new SUP approval to extend the operation of the business beyond the October 31st expiration date. Planning & Zoning staff, in consultation with the City Attorney's Office, determined that applicant was allowed to apply for SUP approval to continue the nonconforming use as long as an application was received prior to the expiration date of its existing approval. The application was submitted prior to the expiration date, and staff scheduled the request for the next regularly-available public hearings. The applicant also asked to continue operating the business during consideration of the current SUP request, but staff required that the business cease operations at the site consistent with Condition #19 of SUP#2013-0084. A follow-up visit to the site on November 3rd revealed that the business had, in fact, closed.

COMPANION SUP CASE

The owner of another nonconforming automobile sales business, located three properties to the east at 1310 King Street, had also applied in October 2013 for Special Use Permit approval to continue operation of his business (SUP#2013-0085). City Council also granted SUP approval to that applicant in March 2014 to continue operation of the business only until October 31, 2014. The business, known as King's Auto, ceased all operations in summer 2014. Staff has discussed potential redevelopment plans for that much-larger site, as well as a more recent interim proposal, with a variety of interested parties in the last year.

NONCONFORMING USES

Section 12-200 of the Zoning Ordinance was amended in 1998 to more strictly regulate nonconforming uses. Section 12-214 requires operators of nonconforming uses to do the following within seven years of being notified of their use's nonconforming status: 1) cease operations, 2) obtain City Council approval of an extension of the seven-year abatement period if such an extension is found to be necessary to allow a greater opportunity to realize a fair and reasonable rate of return on investments, or 3) obtain Special Use Permit approval for the continuation of the use. The establishment of the seven-year abatement period is primarily intended to provide operators an "opportunity to realize a fair and reasonable rate of return" on investments made prior to the use becoming nonconforming.

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. 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, but currently closed, noncomplying automobile sales business at this location while the new property owner pursues redevelopment opportunities. No specific end date for the operation of the use has been identified, but the applicant estimates that the use may operate for at least two more years. Up to nine used vehicles would be available for sale at any one time. Administrative offices would be located in the 216 square-foot structure located on the southern portion of the site. Additional elements of the applicant's operation, which would not change compared to the previous SUP approval, would be 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

Noise: Minimal noise levels 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 continued operation of the nonconforming automobile sales business at this location for the reasons noted in the previous SUP report (see Attachment B). The April 2014 the sale of the property represents the only recent change since prior SUP approval and one that has no substantial effect on other existing circumstances. The King Street Retail Strategy continues to specifically recommend that this use, along with other automobile sales businesses, be made nonconforming and eventually redeveloped in a manner consistent with stated planning goals. No mitigating circumstances in favor of the continuation of the use, such as the business being neighborhood serving, the use being compatible with the neighborhood, or the applicant needing a greater opportunity to realize a return on his business investment, were found to exist one year ago nor have they been found to exist today. In addition to the standard seven-year abatement period, the applicant operated the use for nearly one additional year while the SUP was under review and after City Council approval in March 2014. In support of the planning goals outlined in the Strategy, staff recommends denial of the Special Use Permit request.

As noted in the previous SUP report, staff often prefers for tenant spaces to remain occupied while redevelopment projects are being planned to avoid potential negative effects of vacant structures. For example, in recent years staff has recommended approval for several SUPs, particularly in the West End, with condition language requiring reviews of those approvals in approximately five and ten year periods. However, the request for temporary occupancy here is different from other recent cases, and the continued operation of the automobile sales business is not recommended here, even in the short term as requested by the applicant. First, the business has been uniquely and clearly identified in the King Street Retail Strategy as being incompatible with the City's planning goals. It is unlike many other instances where continued operation of a use has been approved on a short or medium-term basis, such as a use that is potentially incompatible with the yet-to-be determined goals of an anticipated Small Area Plan project or a

use that may not be inconsistent with the recommendations in an approved Small Area Plan but is located at a site currently incompatible with the plan. Second, the seven-year abatement period, plus the additional year of operation allowed during and after the SUP review, has already offered an opportunity analogous to the review condition recommended in other cases. The applicant has had eight years in which it could have relocated, and the prior property owner had seven years in which it could have pursued redevelopment opportunities. During this time, in 2010, both parties signed a new lease to continue operation of the business. In addition, the current property owner bought the land after City Council had already decided that the use should eventually cease operation and advised the applicant against future SUP applications for the continued operation of the business. Third, the subject automobile sales business is a nonconforming use rather than either a use regularly allowed by SUP under current zoning or a noncomplying use. The Zoning Ordinance expresses a clear preference for the “eventual elimination of all nonconforming uses” (Section 12-202).

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. Most of the conditions have been carried forward from the previous approval, with three exceptions. Condition #6 requiring the removal of the existing freestanding sign has been satisfied and deleted. The standard staff-level review is now recommended at the one-year mark in an amended Condition #18. Condition #19 has also been amended to state that the Special Use Permit shall automatically expire two years from the date of City Council approval and that all automobile sales and related activities should cease at the site by that date.

In conclusion, the deliberately strict treatment of the use in the Zoning Ordinance in 2005 indicates its degree of inconsistency with stated planning goals for this highly visible location. Staff believes this incompatibility existed one year ago and continues today. It sees no mitigating circumstances through which the continuation of the use is appropriate 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 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) (SUP#2013-0084)
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) (SUP#2013-0084)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2013-0084)
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) (SUP#2013-0084)

5. No repair work shall be done at the subject property. (P&Z)(T&ES) (SUP#2013-0084)
6. **CONDITION SATISFIED AND DELETED:** ~~The existing freestanding sign at the property shall be removed within 30 days of SUP approval. (P&Z) (SUP#2013-0084)~~
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) (SUP#2013-0084)
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) (SUP#2013-0084)
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) (SUP#2013-0084)
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) (SUP#2013-0084)
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) (SUP#2013-0084)
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) (SUP#2013-0084)
13. Supply deliveries, loading, and(SUP#2013-0084) unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (T&ES) (SUP#2013-0084)
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) (SUP#2013-0084)
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) (SUP#2013-0084)

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) (SUP#2013-0084)
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) (SUP#2013-0084)
18. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after ~~six months~~ one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations, or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~SUP#2013-0084~~)
19. **CONDITION AMENDED BY STAFF:** This Special Use Permit shall automatically expire ~~on October 2014~~ two years from City Council approval at which time the applicant must vacate the property. (City Council) (~~SUP#2013-0084~~)

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

Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 Conditions carried forward from SUP#2013-0084:

5. No repair work shall be done outside on the subject property. (P&Z) (T&ES) (SUP2013-00084)

9. 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) (SUP2013-00084)

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) (SUP2013-00084)

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) (SUP2013-00084)

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) (SUP2013-00084)

13. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2013-00084)

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) (SUP2013-00084)

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) (SUP2013-00084)

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) (SUP2013-00084)

- 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) (SUP2013-00084)

Code Enforcement:

- F-1 No comments

Health:

- F-1 No comments

Parks and Recreation:

- F-1 No comments received

Police Department:

- F-1 No comments received

Fire Department:

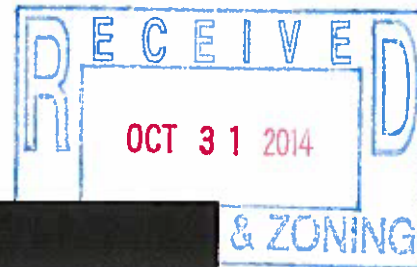
- F-1 No comments or concerns

V. ATTACHMENTS

Attachment A – Application/Additional Materials for Current SUP Request

Attachment B – Staff Report for SUP#2013-0084

Attachment C – Application/Additional Materials for SUP#2013-0084

**APPLICATION****SPECIAL USE PERMIT****SPECIAL USE PERMIT #** 2014-915**PROPERTY LOCATION:** 1318 King Street**TAX MAP REFERENCE:** 064.03-12-06**ZONE:** KR**APPLICANT:**Name: A&B Auto Finance CompanyAddress: 1318 King Street, Alexandria, VA 22314**PROPOSED USE:** Automobile Sales Business

☒ **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.

Behrooz Raiszadeh

Print Name of Applicant or Agent

1318 King Street

Mailing/Street Address

Alexandria, VA

City and State

22314

Zip Code

Signature

703 869 6651

Telephone #

10/28/2014

Date

Fax #

Email address

ACTION-PLANNING COMMISSION: _____ **DATE:** _____**ACTION-CITY COUNCIL:** _____ **DATE:** _____

SUP # 2014-0115

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 1318 King Street, I hereby
(Property Address)
grant the applicant authorization to apply for the Automobile Sales Business use as
(use)
described in this application.

Name: Kevin M. O'Shaughnessy Phone: _____
Please Print
Address: 1318 King Street Email: _____
Signature: Kevin M. O'Shaughnessy by [Signature] Date: 31 Oct 2014
as authorized

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

☒ 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.

Behrooz Raiszadeh - 100%

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. Behrooz Raszadeh	1318 King Street, Alexandria, VA 22314	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1318 King Street, Alexandria, VA 22314 (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
1. Kevin M. O'Shaughnessy	1318 King Street	100%
2.		
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 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 the 12-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 indicate 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.)
1. None		
2.		
3.		

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.

10/28/2014

Date

Behrooz Raszadeh

Printed Name



Signature

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.)

The applicant seeks an amendment to its current Special Use Permit (#2013-0084) to allow the continued operation of an automobile sales business which has existed at this site for more than 50 years.

The applicant understands the City of Alexandria's priority in eliminating automobile sales uses from this area of Old Town, and is only requesting an amendment to its SUP to continue operations with the understanding that the parcel on which its located will soon be the subject of a redevelopment proposal.

As the City may be aware, the real estate changed ownership in April -- likely as a result of the City's zoning of A&B's use out of compliance -- from a staid estate trust to a businessman with plans for redevelopment, who does not wish to remain the landlord of an auto dealership long term. While his project progresses with his internal team and the City approval bodies over the next two years or so, he would like to make some rent to assist in his carrying costs, avoid the nuisance of a vacant lot, and assist a business owner is remaining open.

A&B believes that an amendment to Condition 19 of its existing SUP would allow Mr. O'Shaughnessy, the City, and A&B to accomplish all of their goals.

A&B requests waiver of the Interior Layout and Site Plan portions of this application, as the physical site and all structures thereon are proposed to remain unchanged from the current operations, which have been in existence for decades.

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):

- ☐ 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).

Unchanged from current operations

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

Unchanged from current operations

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Unchanged from current operations

Hours:

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Unchanged from current operations

B. How will the noise be controlled?

Unchanged from current operations

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

Unchanged from current operations

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)

Unchanged from current operations

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

Unchanged from current operations

- C. How often will trash be collected?

Unchanged from current operations

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

Unchanged from current operations

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:

- 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:

Unchanged from current operations

- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons?
Unchanged from current operations; No safety hazards

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.

PARKING AND ACCESS REQUIREMENTS

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

12 Standard spaces
 _____ Compact spaces
 _____ Handicapped accessible spaces.
 _____ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (check one)

☒ on-site

☐ 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 off-site 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? _____

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? Unchanged from current operations
- C. During what hours of the day do you expect loading/unloading operations to occur?
Unchanged from current operations
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Unchanged from current operations
16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
Unchanged from current operations

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No
- Do you propose to construct an addition to the building? ☐ Yes ☒ No
- How large will the addition be? _____ square feet.
18. What will the total area occupied by the proposed use be?
_____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)
19. The proposed use is located in: (check one)
- ☒ a stand alone building
 - ☐ a house located in a residential zone
 - ☐ a warehouse
 - ☐ a shopping center. Please provide name of the center: _____
 - ☐ an office building. Please provide name of the building: _____
 - ☐ other. Please describe: _____

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).

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

- ☐ 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?

None

3. How many of each of the following will be provided?

- 0 _____ hydraulic lifts or racks
 0 _____ service pits
 0 _____ 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)?

Unchanged from current operations

5. Will a loudspeaker or intercom system be used outside of the building? _____ Yes ☒ No

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

CHAMOWITZ & CHAMOWITZ, P.C.

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October 30, 2014

† ALSO ADMITTED IN D.C.

Alex Dambach, AICP
Department of Planning & Zoning
301 King Street, Suite 2100
Alexandria, VA 22314

RE: 1318 King Street - A&B Auto Finance Co.

Dear Mr. Dambach:

Thank you for your letter of October 28, 2014, in which you determine that my client A&B Auto Finance Co. ("A&B") may not continue to operate temporarily during the period that its request for an amendment to its current Special Use Permit is pending.

I am struck by the parallels between A&B's scenario and that of the Harris Teeter which recently opened in Old Town and is being permitted to operate contrary to its own representations and the terms of its DSUP. I enclose for your reference a Memorandum on the latter issue written October 16, 2014 by Mr. Karl Moritz, Acting Director of Planning & Zoning.

As you are aware, A&B will be filing this week for an amendment to Condition 19 of its current SUP, seeking permission to continue its operation. As Mr. Moritz indicates and explains several times in his report, the Harris Teeter DSUP similarly requires amendment in order to permit the 24-hour operation now desired by that business.

In both the case of A&B and that of the original Harris Teeter DSUP process, the applicant made representations in their applications and on the hearing record, which became "enforceable conditions of approval," and which now-changed circumstances have made sub-optimal. In both cases, Staff has explicitly found that a formal application for amendment is required, and in both cases Staff is accepting such applications. In both cases, the temporary "safe harbor" operation requested is only for the minimum time required for an up-or-down vote by the City Council.

I am, however, also struck by the difference between the two scenarios. The Harris Teeter proposes to operate from the very first day of its existence 24/7 in violation of its City Council approval. As Mr. Moritz notes, the actual impact of the condition

Mr. Alex Dambach
October 30, 2014
Page 2 of 2

change sought by Harris Teeter is unknown. A&B Auto, on the other hand, is simply asking to continue operating for a few weeks during normal business hours exactly as it has at this same site for over 50 years.

It is difficult to understand why the Harris Teeter is permitted to temporarily operate pursuant to its request during the pendency of that request, while A&B is not granted the same permission while its request is pending.

As Mr. Moritz noted in his Memorandum of only two weeks ago:

"The City has a practice of allowing, in many cases, businesses to operate in temporary violation of one or more conditions of approval when there is a good faith effort on the part of the business to remedy the situation by going through the SUP amendment process and when requiring immediate compliance would result in an unnecessary hardship to the applicant."

This statement, verbatim as written, certainly seems as applicable to A&B's current scenario as it would to any other. You can expect the good-faith filing of A&B's application for an amendment to its current Special Use Permit by this Friday, October 31st, 2014. And, of course, there could be no more unnecessary hardship to a business than forced closure.

I would ask for a reconsideration by you of the decision memorialized by your letter of October 28, 2014. I would also ask for a formal decision on the matter by the Zoning Administrator and/or the Acting Director of Planning & Zoning, Mr. Karl Moritz.

I thank you for your attention to this matter.

Very Truly Yours,



David L. Chamowitz

Enclosure: Moritz Memorandum of October 16, 2014

cc: Karl Moritz, Acting Director of Planning & Zoning
Mayor and Members of Alexandria City Council (via email)

City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 16, 2014

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: KARL MORITZ, ACTING PLANNING DIRECTOR

SUBJECT: OLD TOWN NORTH HARRIS TEETER OPERATING HOURS

ISSUE: The Harris Teeter in Old Town North plans to open next week as a 24-hour store. Staff's review of the approval of this project in 2011 is that operating hours of 7 am to 11 pm were requested by the applicant and approved by City Council.

ACTION: City staff requests that Harris Teeter file, as soon as possible, an application for an amendment to the Development Special Use Permit (DSUP), requesting a 24-hour-per-day operating schedule. This application would be processed as a Special Use Permit and would likely be docketed for December.

Upon receipt of the application, Harris Teeter will be permitted to operate 24 hours per day while the SUP is being considered; that is, from opening day until the City Council public hearing in December. The City has a practice of allowing, in many cases, businesses to operate in temporary violation of one or more conditions of approval when there is a good faith effort on the part of the business to remedy the situation by going through the SUP amendment process and when requiring immediate compliance would result in an unnecessary hardship to the applicant.

Staff is pursuing this course of action for several reasons, which include:

- The delivery and loading dock hours will remain 7:00 am to 10:00 pm weekdays and 8:00 am to 7:00 pm on weekends. Loading/unloading has a greater noise impact than customers visiting the store, especially in late evening/early morning hours.
- The actual impact of allowing 24-hour opening hours for retail customers in this location is not known. Both those who anticipate major impacts and those who anticipate few impacts do not have complete information, as there has been no comparable experience from which to draw conclusions. Allowing Harris Teeter to operate on a 24-hour schedule for two months will provide valuable information for the SUP.
- Harris Teeter apparently had an expectation based on a misinterpretation of their DSUP to be able to operate the store 24 hours per day and as a result has hired staff for that purpose, advertised 24-hour operating hours, and made other investments or operating

decisions that depend on 24 hour operations. Financial issues are not paramount in these cases, but the City does and should take into account impacts of development approval conditions on the economic viability of an enterprise. Since it is one week prior to the opening of the store, insistence on the 7 am to 11 pm operating hours would cause a hardship for Harris Teeter, which may not be necessary if the City Council makes a decision to amend their current DSUP.

DISCUSSION: The Harris Teeter is the ground floor use in a development project approved in June 2011. The approval included a master plan amendment, a map amendment (rezoning), a CDD Concept Plan, and a Development Special Use Permit.

Staff has reviewed the materials for the Harris Teeter approval and believes that the hours of operation as approved are 7 am – 11 pm with 24 hours for store stocking only, despite the fact that there is no condition in the staff report specifically stating the hours. First, the applicant limited the request being made to City Council by listing the anticipated hours as 7 am – 11 pm in his application. Second, as noted below, there was extensive discussion at the hearing about the retail closing hours. And third, the applicant had an opportunity at the hearing to clarify the hours and did not use that opportunity to state that hours other than 7 am – 11 pm were being requested.

In the application's "description of the project" section, which appears on page 88 of the staff report, the applicant wrote "The anticipated initial store hours are from 7 a.m. – 11 p.m., with the store open for employees 24/7." And on page 89 under #5, the applicant's answer to the question about what the proposed hours of operation of the use will be, the applicant answered "Residential 24/7; Retail 24/7 for stocking. Anticipated store hours 7 am – 11 pm." It has been the City's practice to consider statements in the application to be representations by the applicant and enforceable conditions of approval.

In the verbal discussion at City Council, which begins at 4:47 in the video recording of that hearing, Vice Mayor Donley asked "What are the hours of operation?" and staff answered "7 in the morning to 11 in the evening; this is not going to be a 24 hour store." Vice Mayor Donley responded, "Unlike the store on Duke Street," and staff said "yes." Although this discussion was prompted by loading and unloading issues, it was clear that what was being discussed was the store hours, not the loading hours. Later, there was a further discussion about the loading noise and staff said specifically, "The activities once the store is closed at 11 o'clock at night and there are only a few employees actually moving goods around in the store, they actually are required to basically have everything off the trucks and just being distributed in the store by the closing time so it really is not that they are going to have trucks in there operating with people clanking carts around in late hours, that all has to be done by the time the store closes." Then the Vice Mayor noted that the condition limits delivery to before 10 pm and he notes the store closes at 11 pm so he felt there was some consistency in the conditions because that means they would have whatever was delivered no later than 10 pm in the store by the 11 pm closing time. Staff went on to talk about the other conditions for loading and pointed out that they are all consistent with the closing time of 11 pm. The applicant spoke after this staff discussion and did not address store operating hours. There was discussion among staff, the City Council and the applicant at the end of the hearing as well with no more mention of the hours.

The following four conditions in the staff report specifically addresses the loading and unloading issues:

- 32. The arrival and departure of delivery vehicles for the retail loading shall be limited from 7:00am to 10:00 pm Monday through Friday and 8:00 am to 7:00 pm on weekends. Trash compactor deliveries shall be limited to Monday through Friday from 10:00 am to 4:00 pm. (P&Z)(T&ES)*
- 33. Retail loading shall only be permitted from 9:00 am to 4:00 pm from the designated curb side loading spaces located along Saint Asaph Street immediately to the north and south of the retail loading dock. (P&Z)(T&ES)*
- 98. Truck staging, loading and unloading activities within the loading dock area shall not occur between the hours of 11:00 pm and 7:00 am. Movement of merchandise from the staging area into the store shall be accomplished with non-motorized equipment between the hours of 11:00 pm and 7:00 am. (T&ES).*
- 99. Outdoor grease trap cleaning operations shall not occur between the hours of 11:00 pm and 7:00 am. (T&ES)*

Furthermore, it is worth noting that the City Council added the following condition which would allow the City to reevaluate operations of the store, which staff believes includes operating hours, one year after the opening of the store.

119. The Director of Planning and Zoning shall review the operations of the grocery store and residential component one year after the issuance of the last certificate of occupancy in the proposed new building and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the DSUP conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; or (b) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (CC)

CONCLUSION: While not specifically addressed as a condition in the staff report for the DSUP, store operating hours were represented by the applicant as being 7 am to 11 pm and were represented by staff to Council more than once during the hearing with the applicant present as 7 am – 11 pm. Staff believes that the DSUP will have to be amended for Harris Teeter to have 24-hour operating hours. Staff is recommending that enforcement of the 7 am – 11 pm condition be suspended while Harris Teeter's application for the amendment is under review.



Docket Item #3

Special Use Permit #2013-0084**1318 King Street – A&B Auto Finance Company**

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

CITY COUNCIL ACTION, MARCH 15, 2014: City Council reversed the Planning Commission recommendation and approved the recommendation amending condition #19 to allow the applicant to remain on the property until October 2014, at which time the applicant must vacate the property. The applicant cannot request another extension.

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

Reason: 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 deferred the request to the March 2014 meeting of the Planning Commission. The motion carried on a vote of 7 to 0.

Reason: 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.

PREVIOUSLY
APPROVED
STAFF REPORT



SUP #2013-0084
1318 King Street



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

Noise: 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, automobile 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 denial 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 October 2014 at which time the applicant must vacate the property. (City Council)

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

PREVIOUSLY APPROVED STAFF REPORT

Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

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 commercialrecycling@alexandriava.gov, 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)

**APPLICATION****SPECIAL USE PERMIT****SPECIAL USE PERMIT #** 2013-0084**PROPERTY LOCATION:** 1318 KING STREET, ALEXANDRIA, VA 22314**TAX MAP REFERENCE:** 064-03-12-06 **ZONE:** _____**APPLICANT:****Name:** BEHROOZ RAISZADEH - A & B AUTO FINANCE CO**Address:** 1318 KING STREET, ALEXANDRIA, VA 22314**PROPOSED USE:** DISPLAY Lot / AUTO 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.

BEHROOZ RAISZADEH
 Print Name of Applicant or Agent
1318 KING STREET
 Mailing/Street Address
ALEXANDRIA, VA 22314
 City and State Zip Code

Behrooz Raiszadeh 10/8/13
 Signature Date
703-869-6651 703-549-3963
 Telephone # Fax #
raiszadehbruce@yahoo.com
 Email address

SUP # 20130084**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 1318 King Street, Alexandria
 (Property Address)
 grant the applicant authorization to apply for the Special use permit use as
 (use)
 described in this application.

Name: Gary Altman
 Phone: 301-468-3220
 Address: 11300 Rockville Pike
Ste. 708 Rockville MD 20852

Email: gary@altmanassociates.net

Signature: [Signature] member

Date: 10/16/2016

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

☒ Lessee or

☐ Other:

Attached copy of Lease Agreement
 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.

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. Behrooz Razzadch	1318 KENIL JT Arl. VA 22314	100%
2.		
3.		

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
1. GARY AITMAN	Sate Trustee 11300 Rockville Pike, MD	11300 Rockville Pike Trustee 50%
2. Andrew Rasin	11300 Rockville Pike	Co Trustee 50%
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 the 12-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. Behrooz Razzadch	None	
2. GARY AITMAN	None	
3. Andrew Rasin	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.

10/24/13
Date

Behrooz Razzadch
Printed Name


Signature

SUP # _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of _____, I hereby
 (Property Address)
 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

☒ Lessee or

Attached copy of Lease Agreement

☐ 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.

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.)

Based on my years experience, I have operated this business since 1996, besides of membership of Alexandria business community which I am indeed proud of that To explain all my motivation to serve as one of active member of this society to build and generate more potential business to raise and better outcome economy for my county to maintain and stay in such healthy business in the way of creating jobs in this economy crisis.

Over the past seventeen years, I had opportunity to gradually develop my business with strong backbone to contribute it as a susceptible environment for prosperous business and as a result for our community to be benefited.

Therefore I would request from respectful City Counseling members to extend and issue the special use permit that will sustain this business in running mode and alive as well as economy of my proud seaty, Alexandria needed.

USE CHARACTERISTICS**REVISED**

4. The proposed special use permit request is for (check one):

☒ 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 a day

- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).

4 Employees

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Mon - Fri

Saturday

Sunday

Hours:

10-6

11-5

closed

7. Please describe any potential noise emanating from the proposed use.

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.

~~N/A~~ minimum noise level
when start of the car

- B. How will the noise be controlled?

~~N/A~~ by not accelerating the
pedal just idling

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

~~N/A~~
only minor odor produce from smell of engine of
The vehicle when starting

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)

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 per week)

one bag per week

- C. How often will trash be collected?

Daily

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

supervising and clean on daily basis

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:

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?

city state standard code as well
as OSHA code requirements are met
and maintained

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.

PARKING AND ACCESS REQUIREMENTS

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

14 Standard spaces
 _____ Compact spaces
 _____ Handicapped accessible spaces.
2 Other. Customer Parking

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (check one)

☒ on-site☐ 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 off-site 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? N/A

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

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?

city state standard code as well
as OSHA code requirements are met
and maintained

ALCOHOL SALES

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☐ 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.

PARKING AND ACCESS REQUIREMENTS

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

12 ~~14~~ Standard spaces
 _____ Compact spaces
 _____ Handicapped accessible spaces.
2 Other. Customer Parking

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (check one)

☒ on-site☐ 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 off-site 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? N/A

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

REVISED

- B. Where are off-street loading facilities located? N/A
- C. During what hours of the day do you expect loading/unloading operations to occur?
N/A
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
N/A

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

NO ACCESS TO THE SUBJECT PROPERTY FROM
main street (KING STREET) EXISTING ALLEY ACCESS
is adequate

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No
- Do you propose to construct an addition to the building? ☐ Yes ☒ No
- How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

3700 sq. ft. (existing) + ^{2165P} ~~2165P~~ sq. ft. (addition if any) = ~~3700~~ sq. ft. (total)

19. The proposed use is located in: (check one)

☒ a stand alone building

☐ a house located in a residential zone

☐ a warehouse

☐ a shopping center. Please provide name of the center: _____

☐ an office building. Please provide name of the building: _____

☐ other. Please describe: _____

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).

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

- ☒ 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?

N/A
repairs will not be conducted on this site
This site is for parking and storage/display of vehicles

3. How many of each of the following will be provided?

- 0 hydraulic lifts or racks
0 service pits
0 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)?

9 vehicles will be parked on site for sale
3 vehicles customer and employee

5. Will a loudspeaker or intercom system be used outside of the building? ____ Yes ☒ No

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