

Special Use Permit #2018-0094
108 North Payne Street

Application	General Data	
Request: Public hearing and consideration of a request for a parking reduction with lot modifications for a commercial to residential use conversion.	Planning Commission Hearing:	December 4, 2018
	City Council Hearing:	December 15, 2018
Address: 108 North Payne Street	Zone:	CD/Commercial Downtown
Applicant: NIRI Investments, LLC	Small Area Plan:	Braddock Road Metro Station

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewer: Shaun Smith, shaun.smith@alexandriava.gov

PLANNING COMMISSION ACTION, DECEMBER 4, 2018: By unanimous consent, the Planning Commission voted to recommend approval of SUP #2018-0094, as submitted.



Special Use Permit #2018-0094
108 North Payne Street



0 30 60 120 Feet

PROJECT LOCATION MAP

I. DISCUSSION

The applicant, NIRI Investments LLC, requests Special Use Permit approval for a parking reduction and for lot frontage and front yard setback modifications to convert a building used for commercial office use to residential use. The request is required for the proposed residential use of the structure to address the CD zone's area and bulk regulations and parking requirements.

SITE DESCRIPTION

The subject site is located on one parcel of record with 24.25 feet of frontage on North Payne Street and a depth of approximately 130 feet. It has a lot area of 2,993 square feet. The parcel is developed with a two-story 3,100 square foot (existing gross area) building (Figure 1 and Figure 2).

Commercial and residential uses surround the lot (Figure 3). Historic homes consisting of single-family, semi-detached, and townhouse dwellings are located in close proximity to the north and east. Commercial properties are located to the west and south fronting along King Street.

BACKGROUND

The subject property is a three-story Colonial-Revival style structure. Tax records indicate the subject property and the adjoining property, 110 North Payne Street, were constructed concurrently in 1978 as residential structures.

The subject property remained residential until 2001 when it was converted into an office use for a law firm. According to tax records, it appears that 110 North Payne Street has remained residential. There have been no variances or special exceptions previously granted for the subject property.



Figure 1

PROPOSAL

The applicant desires to return the structure to residential use and requests a one-space parking reduction and lot modifications for front yard setbacks and frontage. As a commercial structure, this building and lot complied with bulk regulations for the CD Zone. In addition, the subject property is located in the Central Business District where commercial uses are not required to provide parking.

Although the subject property was originally constructed as a residential structure, whenever a property owner converts from commercial use to residential use, the latter must come into compliance with the current zoning ordinance regulations. While the property meets the lot size, rear yard setback, side yard setback and open space requirements for residential uses, it is not in compliance with front yard setbacks and frontage requirements for residential uses in the CD zone. Furthermore, any residential use would be required to maintain two parking spaces, in accordance with zoning ordinance requirements. The property is currently developed with one standard parking space. Access to the parking area will be from the existing driveway and curb cut fronting along North Payne Street.

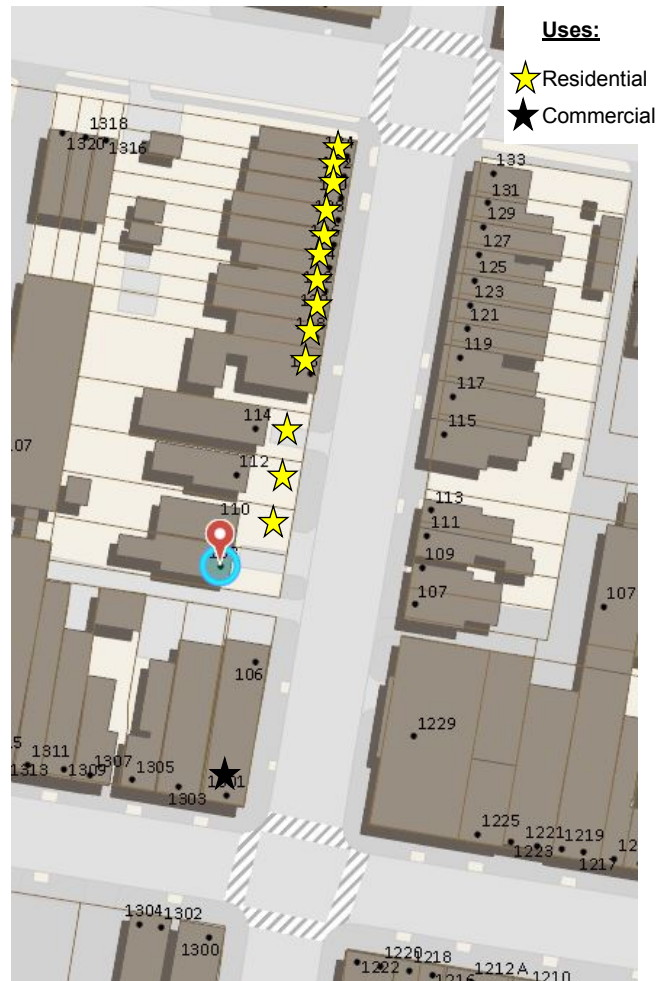


Figure 3

PARKING

Section 8-200(A)(1) of the Zoning Ordinance requires two-family, semi-detached dwellings to provide two parking spaces for each dwelling unit. Given that one standard parking space is available on-site, the applicant would, therefore, require Special Use Permit approval for a one-space parking reduction for use as a residential structure.

ZONING

The property is located in the CD, Commercial Downtown Zone. Two-family, semi-detached dwellings are a permitted use in the CD zone, pursuant to Zoning Ordinance Section 4-502(A.1) of the Zoning Ordinance. Residential development must comply with Sections 4-505 and 4-506, which outline the area and bulk regulations for residential uses, respectively (Table 1). Special Use Permit approval for a one-space parking reduction along with lot frontage and front yard

setback modifications are necessary for the structure at 108 North Payne Street to comply as a residential structure.

Table 1	Required	108 N. Payne St.	Complies
Lot Area	1,452 sq. ft.	2,993 sq. ft.	yes
Frontage	25 ft.	24.25 ft.	no
Front Yard	Front lot line	21 ft.	no
Side Yard Setback (south side)	5 ft.	5 ft.	yes
Rear Yard Setback	1:2 and 16 ft. min.	35.1 ft.	yes
Open Space	35% = 1,047.6 sq. ft.	1,381.62 sq. ft.	yes

MASTER PLAN DESIGNATION

The subject property is located within the Braddock Road Metro Station Small Area Plan. The plan suggests this area as a mixture of retail, office, service, hotel, and residential uses that is strongly tied to the central business district areas along King and Washington Streets. This particular area of the Plan south of King Street provides a mixed-use transition area from the commercial spaces along King Street to the predominately residential character north of Cameron Street. However, retaining residential uses in areas that are presently used for residential purposes is a goal and objective from the Braddock Road Metro Station Small Area Plan (1992).

II. STAFF ANALYSIS

Staff supports the applicant's Special Use Permit request for a one-space parking reduction to permit the site with modifications of lot frontage and front setback requirements. Approval of the Special Use Permit request would allow the structure to return to its original residential use. The subject property pre-dates the current zoning requirements and was constructed as and historically functioned as a residential structure prior to becoming a commercial property for office use in the past 17 years. Furthermore, as the building previously functioned as a residential property and is situated in a block of predominately residential uses, the proposed residential conversion would be in character with the surrounding area.

In order to further define the front yard open space area and further align the property with the residential character of adjacent properties, staff has included Condition 1 to extend the existing landscape buffer along the front property line to the edge of the driveway (Figure 2). Conversion

of the property from commercial to residential would also align with the goals and objectives of the Braddock Road Metro Station Small Area Plan.

Lastly, staff does not anticipate negative impacts of the one-space parking reduction as the use is less intense than the building's previous use as an office. Additionally, the proximity of the lot to several mass transit options such as the King Street metro, bus routes, the King Street Trolley, and BikeShare, make it possible for future homeowners to own one car.



Figure 2

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends ***approval*** subject to compliance with all applicable codes and ordinances and the following conditions:

1. Applicant shall provide and maintain a continuation of the existing landscape buffer abutting the front property line within the front yard setback area, between the existing driveway and the southern property line. (P&Z)

STAFF: Tony LaColla, AICP, Division Chief, Land Use Services
Ann Horowitz, Principal Planner
Shaun Smith, 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:

F-1 OEQ has no comments on this request.

F-2 Staff supports the requested parking reduction from two spaces to one space. This is consistent with other approvals for townhouses in the neighborhood. (T&ES)

Code Enforcement:

F-1 No comment for parking reduction and setback modifications.

C-1 A building permit, plan review and inspections are required for a change of use group classification for this structure.

Fire:

No comments or concerns.

Health:

No comments received.

Parks and Recreation:

No comments.

Police Department:

No comments received.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 108 N. Payne St

TAX MAP REFERENCE: MAP - Block - Lot # 064.03 - 10 - 34 (501) **ZONE:** CD

APPLICANT:
Name: NIRI Investments, LLC

Address: 2776 S. Arlington Mill Dr #521, Arlington 22206

PROPOSED USE: Residential

☒ **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.

<u>Brook Mitchell</u>	<u>B Mitchell</u>	<u>9/25/18</u>
Print Name of Applicant or Agent	Signature	Date
<u>2776 S. Arlington Mill Dr #521</u>	<u>202-480-5828</u>	
Mailing/Street Address	Telephone #	Fax #
<u>Arlington VA 22206</u>	<u>brook@niriinv.com</u>	
City and State	Zip Code	Email address

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

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

SUP # _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 108 N. Payne St, I hereby
(Property Address)
grant the applicant authorization to apply for the Special Use Permit use as
(use)
described in this application.

Name: NIRI Investments LLC Phone: 202-480-5828 (Brook Mitchell)
Please Print
Address: 2776 S. Arlington Mill Dr #521 Email: info@niriinv.com
Arlington, VA 22206
Signature: Brook Mitchell Date: 9/25/18

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 three percent.

NIRI Investments, LLC
(w/5) Luis Galarza 50% / Brook Mitchell 50%
2776 S. Arlington Mill Dr. #521
Arlington VA 22206

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 three 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. Brook Mitchell / NIRA	2776 S. Arlington Mill Dr #521 Arlington VA 22206	50%
2. Luis Galarza / NIRA	2776 S. Arlington Mill Dr #521 Arlington VA 22206	50%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 108 W. Paine St, Alexandria, VA (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three 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. Brook Mitchell / NIRA	2776 S. Arlington Mill Dr #521 Arlington VA 22206	50%
2. Luis Galarza / NIRA	2776 S. Arlington Mill Dr #521 Arlington VA 22206	50%
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are 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. Brook Mitchell / NIRA	NONE	NONE
2. Luis Galarza / NIRA	NONE	NONE
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.

9/26 Brook Mitchell [Signature]
 Date 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.)

We purchased the property as a commercial property, and would like to restore it back to a residential property as it was originally built. It is a townhome connected to two other units that are currently residential as a fully residential block. Due to the conversion back to residential we are asking to reduce parking to 1 space so that we can remain compliant on open space, and modify lot width - we are at 24.25 so we are .75' ~~0.75'~~ ~~0.75'~~.

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).

_____ N/A _____

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

_____ N/A _____

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

Day:

_____ N/A _____

Hours:

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 _____

- B. How will the noise be controlled?

_____ N/A _____

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

N/A

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)

Residential Use

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

2-3 per week

- C. How often will trash be collected?

Residential P/U

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

Close lid bins

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?

ALCOHOL SALES

13.

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes ☒ No

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

SUP # _____

PARKING AND ACCESS REQUIREMENTS

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

1 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 2

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

N/A

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

16. 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?

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? 600 square feet.

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

170 sq. ft. (existing) + 600 sq. ft. (addition if any) = 230 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: Existing property Zoned C0 (Townhome)

End of Application



APPLICATION - SUPPLEMENTAL

PARKING REDUCTION

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location) CONVERSION FROM INDUSTRIAL TO RESIDENTIAL AND REDUCING
FOR REQUIREMENT TO ONE PARKING SPOT

2. Provide a statement of justification for the proposed parking reduction.
CONVERSION TO RESIDENTIAL TO MEET SQUARE FOOT
REQUIREMENTS.

3. Why is it not feasible to provide the required parking?

- TO MEET OPEN SPACE REQUIREMENT
- FAR TO MEET PROPERTY WIDTH REQUIREMENTS

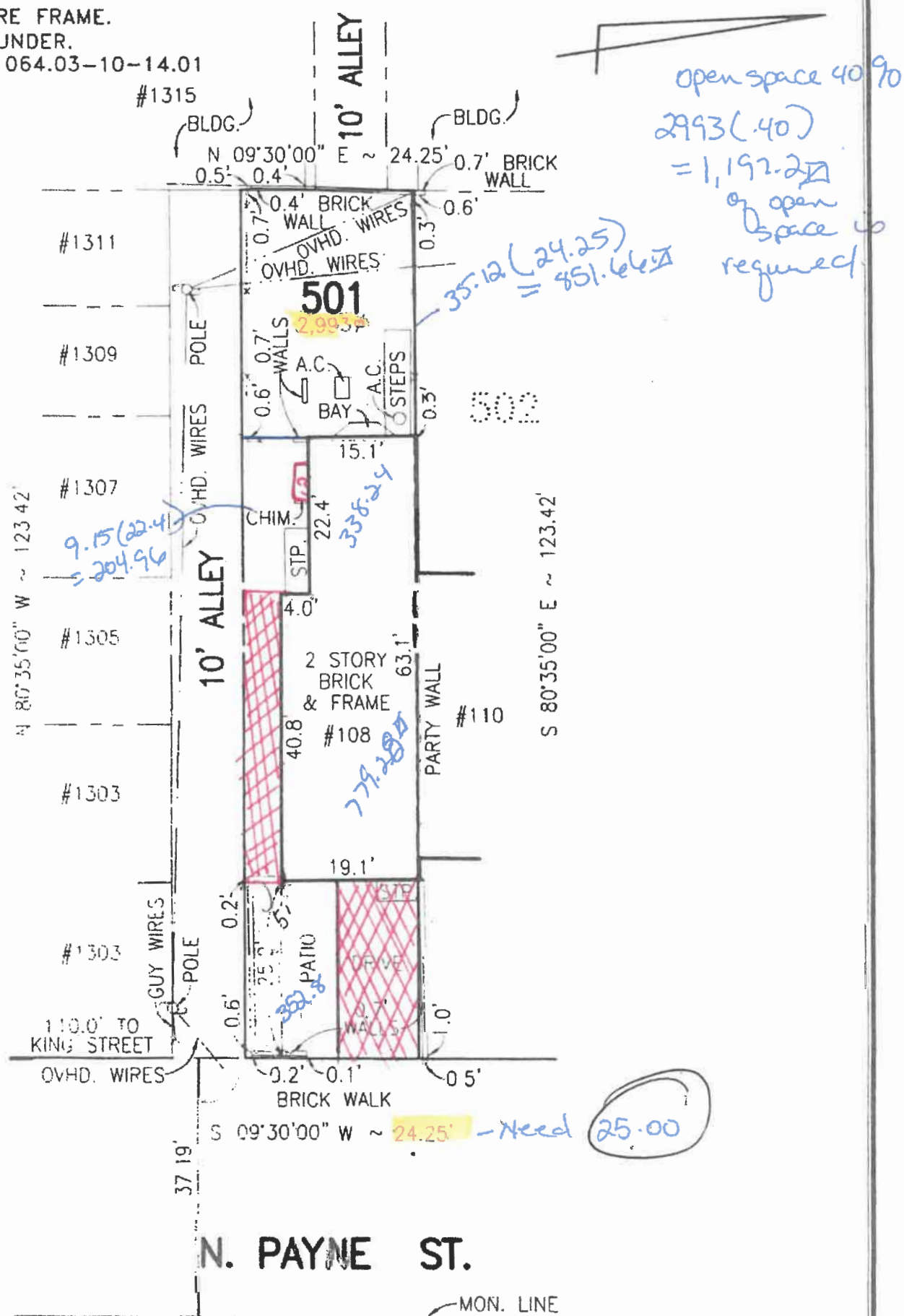
4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?

X Yes. _____ No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a **Parking Management Plan** which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

NOTE: NO CORNER MARKERS SET.
FENCES ARE FRAME.
UTILITIES UNDER.
TAX MAP: 064.03-10-14.01



PLAT
SHOWING PHYSICAL IMPROVEMENT SURVEY
LOT 501



Department of Planning and Zoning
Floor Area Ratio and Open Space Calculations

B

A. Property Information

A1. 108 N. Payne Stret
Street Address

CL
Zone

A2. 2,993.00
Total Lot Area

x 1.50
Floor Area Ratio Allowed by Zone

= 4,489.50
Maximum Allowable Floor Area

B. Existing Gross Floor Area

Existing Gross Area		Allowable Exclusions**	
Basement	0.00	Basement**	0.00
First Floor	1,117.52	Stairways**	
Second Floor	1,117.52	Mechanical**	
Third Floor	1,117.52	Attic less than 7'***	
Attic		Porches**	
Porches		Balcony/Deck**	
Balcony/Deck		Lavatory***	
Lavatory***		Other**	
Other**		Other**	

B1. Total Gross 3,352.56

B2. Total Exclusions 0.00

B1. 3,352.56 Sq. Ft.
Existing Gross Floor Area*

B2. 0.00 Sq. Ft.
Allowable Floor Exclusions**

B3. 3,352.56 Sq. Ft.
Existing Floor Area Minus Exclusions
(subtract B2 from B1)

Comments for Existing Gross Floor Area

C. Proposed Gross Floor Area

Proposed Gross Area		Allowable Exclusions**	
Basement		Basement**	
First Floor		Stairways**	
Second Floor		Mechanical**	
Third Floor		Attic less than 7'***	
Attic		Porches**	
Porches		Balcony/Deck**	
Balcony/Deck		Lavatory***	
Lavatory***		Other**	
Other		Other**	

C1. Total Gross 0.00

C2. Total Exclusions 0.00

C1. 0.00 Sq. Ft.
Proposed Gross Floor Area*

C2. 0.00 Sq. Ft.
Allowable Floor Exclusions**

C3. 0.00 Sq. Ft.
Proposed Floor Area Minus Exclusions
(subtract C2 from C1)

D. Total Floor Area

D1. 3,352.56 Sq. Ft.
Total Floor Area (add B3 and C3)

D2. 4,489.50 Sq. Ft.
Total Floor Area Allowed
by Zone (A2)

E. Open Space (RA & RB Zones)

E1. 1,409.42 Sq. Ft.
Existing Open Space

E2. 1,197.20 Sq. Ft.
Required Open Space

E3. Sq. Ft.
Proposed Open Space

Notes

*Gross floor area is the sum of all areas under roof of a lot, measured from the face of exterior walls, including basements, garages, sheds, gazebos, guest buildings and other accessory buildings.

** Refer to the Zoning Ordinance (Section 2-145(B)) and consult with Zoning Staff for information regarding allowable exclusions. Sections may also be required for some exclusions.

***Lavatories may be excluded up to a maximum of 50 square feet, per lavatory. The maximum total of excludable area for lavatories shall be no greater than 10% of gross floor area.

The undersigned hereby certifies and attests that, to the best of his/her knowledge, the above computations are true and correct.

Signature: _____ Date: _____