



Legislation Text

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City of Alexandria, Virginia

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MEMORANDUM

**DATE:** JUNE 13, 2022

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

**THROUGH:** JAMES F. PARAJON, CITY MANAGER

**FROM:** JEREMY MCPIKE, DIRECTOR, GENERAL SERVICES

**DOCKET TITLE:**

Public Hearing and Consideration of a Lease Agreement Between the City and Jeffrey L. Yates, TR for Use of Public Right of Way Adjacent to 1050 North Fayette Street.

**ISSUE:** Consideration of a lease agreement with Jeffrey L. Yates, TR to use a portion of public sidewalk right of way adjacent to 1050 N. Fayette Street for overflow activities from Yates Car Wash and Detailing located at 1018 N. Henry Street.

**RECOMMENDATION:** That City Council:

- (1) Receive this report and set the Agreement to lease public right of way for public hearing on June 18, 2022, and after the public hearing approve the proposed two (2) year lease agreement; and
- (2) Authorize the City Manager to execute the proposed Lease Agreement with Jeffrey L. Yates, TR.

**BACKGROUND:** Since the early 1990s there have been auto-related uses operating under a Special Use Permit (SUP) at 1050 N. Fayette Street. The current time limited SUP (#2014-0032) for noncomplying light automotive uses was approved on June 14, 2014, with two mandatory five-year reviews in 2019 and 2024. Given the on-going evolution of the neighborhood from a predominantly industrial area to a denser, mixed used residential community, the reviews provide an opportunity to “assess the redevelopment potential of the site and the compatibility of the use with other uses in the area”. At the time of the SUP approval, the area around 1050 N. Fayette Street had yet to be redeveloped.

The first SUP review in 2019 determined that the business remained compatible with the neighborhood and a

five-year extension to the SUP was approved administratively. The second review of the SUP, at public hearing, must take place before June 30, 2024.

The SUP report specifically noted the existence of six parking spaces in front of the building and Condition #7 referenced overflow uses at the site:

*All repair work, detailing and hand car washing shall be done inside the building. Cars from 1018 North Henry Street may be brought to the parking spaces on the east side of the building at 1050 N. Fayette St. for drying or finishing, but no washing, drying, or finishing of vehicles shall occur in the public right of way, including on any part of what is commonly considered North Fayette Street.*

Although the approval clarified that all activities were to occur on site, the property line was not clearly identified and there was no delineation between right of way and the applicant's property.

With the completion of all three phases of the Braddock Gateway site, the planned construction of a sidewalk in front of 1050 N. Fayette Street will provide pedestrian connectivity in an area home to hundreds of future residents. While the existing use at 1050 N. Fayette limits the feasibility of constructing a fully integrated sidewalk at this time due to the need for access to the parking spaces in front of the property, a brick sidewalk will be constructed with a depressed curb and will include some grading in the right of way and on the property at 1050 N. Fayette St.

The owner of 1050 N. Fayette Street, Jeffrey L. Yates, has stated that they cannot realistically limit their business operations in front of the building and have requested to use a portion of the public sidewalk right of way, or roughly 509 square feet for overflow car wash activities, such as drying and finishing. City staff and Mr. Yates have determined that a lease is the most appropriate method to allow for this interim use of public right of way, with the first lease term tied to the 2024 review of the SUP.

**DISCUSSION:** The Yates Warehouse Site is identified as a redevelopment site for “mixed use and pedestrian-oriented commercial uses in the Braddock Metro Neighborhood Plan (BMNP)”, however, it is still unclear when this site will ultimately be redeveloped. The new sidewalk and right of way site improvements will improve the appearance of the streetscape and will also provide a clear and safe route for pedestrians while allowing Yates Car Wash & Detailing to continue to operate in the interim.

The proposed lease agreement provides for a lease term of two (2) years which coincides with the deadline for the Special Use Permit, or June 30, 2024. If City Council extends the SUP in 2024, provided that the lease is not in default at the end of the initial two-year term, the Lessee shall have the option, with City Council approval to renew for one (1) additional five (5) year term to expire no later than June 30, 2029.

On February 1, 2022, the Planning Commission determined that this interim use of a portion of the sidewalk right of way adjacent to 1050 N. Fayette Street for overflow operations from Yates Car Wash and Detail Center is consistent with the Alexandria Master Plan pursuant to Section 9.06 of the City Charter.

**FISCAL IMPACT:** The lease rate for use of 509 square feet of public right-of-way adjacent to 1050 N. Fayette Street is \$5,803 per year with an increase of three percent (3%) annually.

**ATTACHMENT:** Lease Letter of Intent for Proposed Lease Between City of Alexandria and Jeffrey L. Yates, TR

**STAFF:**

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