

DATE: November 7, 2022

TO: Tony LaColla, Division Chief  
Department of Planning and Zoning

FROM: Mavis Stanfield, Urban Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00086  
Minor Amendment Special Use Permit  
Site Use: Automobile and trailer rental or sales area and a temporary trailer  
Applicant: Behrooz Raiszadeh  
Location: 3120 Colvin Street  
Zone: I/Industrial Zone

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### **Request**

Special Use Permit (SUP) #2022-00086 is a request for a minor amendment to extend the use of a temporary trailer which serves as the office for an automobile sales operation for two additional years. After two years, the applicant would relocate his office to a building that would be constructed on the site. There would be no change to the nature or name of the business with this amendment. There will continue to be as many as 24 automobiles for sale on the site as well as two on-site parking spots for the employees.

### **Background**

In May 2015, the property owner submitted Concept I plans as DSUP #2015-0011 to the Planning & Zoning Development Division for the construction of a two-story building designed for automobile, office, and warehouse uses. Due to long delays between plan submissions, the Planning & Zoning Department issued a new DSUP case number of DSUP #2021-10022 to continue processing this case, which was ultimately approved on June 18, 2022. Staff continues to work with the property owner to develop a building on this site which will now undergo site plan review. Because construction may occur on site related to the approval of the DSUP prior to the requested two-year term of this SUP, staff has amended Condition #3, which provides an expiration date of two years, to also expire when construction begins, or whichever occurs first.

The owner of the business, who is the applicant, has had Special Use Permits approved on several occasions related to the relocation of the business from 1318 King Street to the current location of 3120 Colvin Street. At the applicant's request, City Council approved an extension for business operations to continue at 1318 King Street, where it was a non-conforming use, through SUP #2013-0084 until October 2014; a second approval was granted for an extension until August 21, 2016 through SUP #2014-0115. The applicant complied with the City Council directive, closing his non-conforming automobile sales business at the King Street site on August 21, 2016.

In September 2016, City Council approved SUP #2016-0042 for an automobile sales business and a temporary trailer at the current location, 3120 Colvin Street. Through administrative approval,

SUP #2016-0072 allowed for the expansion of the temporary trailer to comply with ADA requirements.

In October 2018, staff approved SUP #2018-0096, granting an administrative request to extend the use of the temporary trailer which serves as the office for an automobile sales operation for an additional two years. The applicant did not propose any changes to the conditions outlined in SUP #2016-0072. In September of 2020, another request was submitted for an additional two-year extension, with the rationale that the COVID pandemic had adversely affected their business, making it very difficult to move forward with construction. That request, SUP#2020-00068, was approved and the two-year period expired on November 1, 2022.

An SUP inspection conducted on October 26, 2022, revealed the applicant was in violation of Conditions four and seven: there were too many cars parked in the lot and there were cars parked in the right-of-way. These zoning violations were found to be resolved in a subsequent re-inspection conducted on November 4, 2022. As the conditions were remedied in a timely fashion, staff does not believe that these violations merit docketing the use for a public hearing.

### **Parking**

Section 8-200(A)(21)(a) of the zoning ordinance requires that offices in industrial buildings at this location provide 1.1 spaces for every 400 square feet. With 576 square feet of office space, the applicant must provide two parking spaces, in addition to the 24 spaces required for the automobile inventory. The applicant exceeds the parking requirement with parking for approximately 50 vehicles on the lot.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard at the site. Staff received a call from a neighboring business owner who complained about cars parking illegally along the right-of-way. As noted above, the applicant was notified that parking in the right-of-way was a violation of the SUP conditions, and that zoning violation was resolved. Therefore, the SUP proposal did not receive any comments to cause docketing of the minor amendment request.

### **Staff Action**

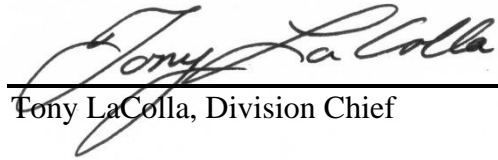
Staff supports a minor amendment to SUP #2020-00068 to extend the use of a temporary trailer for one additional two-year period until November 1, 2024 or until construction begins, as per amended Condition 3, to allow the applicant to continue his business operation at the site until a building, where he can locate his office, is constructed. In addition, the applicant has not been the subject of complaints until the recent complaint regarding on-street parking.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:**

Date: November 7, 2022

Action: Approved



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Tony LaColla, Division Chief

- Attachments: 1) Special Use Permit Conditions  
2) City Department Comments  
3) Statement of Consent

### CONDITIONS OF SPECIAL USE PERMIT #2022-00086

The owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant only or to a corporation in which the applicant has a controlling interest. (P&Z) (SUP #2018-0096)
2. The hours of operation shall be limited to between 10 a.m. and 8 p.m., Monday through Saturday. (P&Z) (SUP #2018-0096)
3. **CONDITION AMENDED BY STAFF:** The temporary trailer shall be permitted at the site for a two-year term which expires on ~~November 1, 2022~~ November 1, 2024, or until construction begins in accordance with DSUP #2021-10022, whichever occurs first. (P&Z)
4. A maximum of 24 vehicles on display for sale associated with A&B Auto Finance Co. shall be parked at the site, in accordance with the plan submitted by the applicant. (P&Z) (SUP #2018-0096)
5. The parking lot at 3120 Colvin Street shall be maintained in good condition and kept free of weeds and tall grass. (P&Z) (SUP #2018-0096)
6. The existing fence at the 3120 Colvin Street site shall be maintained to prevent unsightly conditions such as holes, sags, or bent areas from appearing along Colvin Street. (P&Z) (SUP #2018-0096)
7. No vehicles shall be parked or stored in any portion of the public right-of-way. (P&Z) (SUP #2018-0096)
8. No junked, abandoned, visibly damaged, or stripped vehicles shall be displayed, parked, or stored outside. (P&Z) (SUP #2018-0096)
9. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP #2018-0096)
10. Condition deleted.
11. No repair work shall be done outdoors on the subject property. (T&ES) (SUP #2018-0096)
12. Car washing is not permitted on this property. (T&ES) (SUP #2018-0096)
13. Supply deliveries, loading, and unloading activities should not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES) (SUP #2018-0096)

14. The use must comply with the city's noise ordinance. 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 #2018-0096)
15. Litter on the site and on public right-of-ways 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 #2018-0096)
16. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year from approval 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-2020-00068~~)
17. The applicant shall encourage employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (P&Z) (SUP #2018-0096)
18. **CONDITION ADDED BY STAFF:** 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)
19. **CONDITION ADDED BY STAFF:** The applicant shall control odors, smoke and any other air pollution from demolition/construction /operations activities 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)
20. **CONDITION ADDED BY STAFF:** 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 Division of Environmental Quality on 703/519-3400, extension 166. (T&ES)
21. **CONDITION ADDED BY STAFF:** No materials shall be disposed of by venting into the atmosphere. (T&ES)

22. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
23. **CONDITION ADDED BY STAFF:** Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. (T&ES)
24. **CONDITION ADDED BY STAFF:** No vehicles associated with this use shall be permitted to idle for more than ten minutes when parked. (T&ES)

## CITY DEPARTMENT COMMENTS

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

### Transportation & Environmental Services:

- R-1 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.
- R-2 The applicant shall control odors, smoke and any other air pollution from demolition/construction /operations activities 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.
- R-3 All repairs of motor vehicles shall be conducted inside a building or structure that is approved by the Director of Planning and Zoning.
- R-4 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.
- R-5 No material shall be disposed of by venting into the atmosphere.
- R-6 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am.
- R-7 Car washing shall be prohibited on this site.
- R-8 Exterior power washing of the building shall not be completed using any kind of detergents.
- R-9 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking.
- R-10 No vehicles associated with this project shall be permitted to idle for more than 10 minutes when parked.
- R-11 The use must comply with the city's noise ordinance.
- R-12 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 Division of Environmental Quality on 703/519-3400, extension 166.

Code Enforcement:

C-1 Temporary office trailer is subject to a building permit review. If building permits have not been obtained and approved. Please contact the building code department to discuss duration and placement of office trailer.

Health Department:

No comments.

Parks and Recreation:

No comments.

Police Department:

No comments.

Fire:

No comments.

Housing:

No comments.



STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00086. The undersigned also hereby agrees to obtain all applicable licenses and permits required for an automobile sales business and temporary trailer at 3120 Colvin Street.

*Behrooz Razaee*  
Applicant - Signature

12/1/22  
Date

BEHROOZ RAZAEE  
Applicant - Printed

12/1/22  
Date