

*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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**SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2013-0078  
Approved by Planning and Zoning: November 26, 2013  
Permission is hereby granted to: Noble 786 LLC by Sayed Howaida  
to use the premises located at: 4001 Mount Vernon Avenue  
for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

11/26/2013  
Date

FAROLL HAMER/AD  
Faroll Hamer, Director  
Department of Planning and Zoning

DATE: November 25, 2013

TO: Alex Dambach, Land Use Services Division Chief  
Department of Planning and Zoning

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2013-0078  
Administrative Review for Change of Ownership  
Site Use: Automobile Service Station  
Applicant: Noble 786 LLC by Sayed Howaida  
Location: 4001 Mount Vernon Avenue  
Zone: NR / Neighborhood Retail (Arlandria)

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**Request**

Special Use Permit #2013-0078 is a request for a change of ownership of an existing automobile service station at 4001 Mount Vernon Avenue in Arlandria. The change of ownership request will transfer the SUP from Roshan Enterprises, Inc. to 786 Noble, LLC by Sayed Howaida. No other changes to the business are proposed and the applicant plans to continue to sell gasoline under the “Exxon” brand and offer small convenience items through the existing teller-window device at the small retail kiosk.

**Background**

A gasoline service station has operated at this location since at least 1941. In 1974, City Council approved SUP#983 to replace a service station building with the existing kiosk, canopy, and pump islands. City Council approved Special Use Permits #1571 and #1571A in 1983 and 1984 to allow Gulf Oil to build a 750 square-foot building for the purpose of selling retail items, but the building was never built and the Special Use Permits expired. The subject use became noncomplying in 1992 when the property was rezoned to CL, since automobile service stations are prohibited in the zone, and maintained its noncomplying status when the property was again rezoned to NR in 2003.

Changes of ownership were approved in 2002 and 2010. Most recently, City Council reviewed the use in May 2013, consistent with a ten-year review SUP condition, and approved its operation for another ten years (SUP#2013-0008) in May 2013. Staff has not received any complaints about this business in the last five years.

**Community Outreach**

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. In addition, the Arlandria Civic and Sunnyside/Lennox Place Neighborhood-Homeowners Associations were sent written notification of the current application. Staff has not received any comments from residents or adjacent businesses.

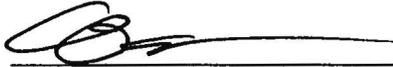
**Staff Action**

Staff finds that the request to change ownership of the business is reasonable. Given that the use was so recently approved by City Council, no changes to the condition language are necessary. The five and ten-year review conditions will remain in effect with the dates noted in Condition #15. The new owner will need to install the tree required in Condition #27 that had not yet been installed by the prior owner because summertime tree planting is generally not recommended in the Alexandria Landscape Guidelines.

Staff hereby approves the Special Use Permit request.

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

Date: Approved  
Action: 11/25/2013



Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2013-0078**

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

1. Condition deleted. (SUP 2002-0091)
2. Condition deleted. (SUP 2002-0091)
3. No banners, streamers, flags or similar advertising devices shall be displayed on the premises, but signs advertising the general business conducted on the premises may be displayed in accordance with Article IX, Section 9-100 of the zoning ordinance of the City of Alexandria, Virginia. (P&Z) (SUP 2002-0091)
4. This Special Use Permit shall be granted to the applicant or to any business or entity in which the applicant has a controlling interest only. (P&Z) (SUP 2002-0091)
5. Condition deleted. (SUP 2002-0091)
6. Condition deleted. (SUP 2002-0091)
7. The applicant shall maintain in good condition an enclosure to screen the dumpster to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z) (SUP#2013-0008)
8. The hours of operation may be up to 24 hours a day, seven days a week. (P&Z) (SUP 2002-0091) (SUP#2013-0008)
9. The applicant shall comply with the City of Alexandria Best Management Practices Manual for Automotive Related Industries. A copy can be obtained by contacting the Office of Environmental Quality at 703-746-4065 or at <http://alexandriava.gov/Environment> under Forms and Publications. (T&ES)
10. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP 2002-0091)
11. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2013-0008)
12. 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 2002-0091)
13. No material shall be disposed of by venting into the atmosphere. (T&ES) (SUP 2002-0091)
  14. The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all SUP provisions and requirements, as part of that training. (P&Z) (SUP 2002-0091)
  15. This Special Use Permit shall be reviewed by the Director of Planning & Zoning five years from approval in order to assess the compatibility of the use with other uses in the area and with redevelopment anticipated in the Arlandria Small Area Plan. The Director shall docket the Special Use Permit for Planning Commission and City Council review if the use is determined to be incompatible with surrounding uses or with anticipated redevelopment. Notwithstanding the staff review, City Council shall review the Special Use Permit ten years from approval in order to assess the compatibility of the use with other uses in the area and with redevelopment anticipated in the Arlandria Small Area Plan. (P&Z) (SUP#2013-0008)
  16. The Director of Planning and Zoning shall review the Special Use Permit one year after 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 a 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#2013-0008)
  17. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2010-0001)
  18. 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#2010-0001)
  19. 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#2010-0001)

20. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-1920 regarding a security assessment for the business and robbery readiness training for all employees. (Police) (SUP#2010-0001)
21. 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#2013-0008)
22. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2013-0008)
23. No repair work shall be allowed on the premises. (P&Z)(T&ES) (SUP#2013-0008)
24. No junked, abandoned, or stripped vehicles shall be parked or stored outside. (P&Z) (SUP#2013-0008)
25. Retail sales on the premises shall be accessory to the automobile service station only and shall be limited to convenience items such as motor oil, non-alcoholic beverages, candy, gum, chips, and cigarettes, to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2013-0008)
26. No alcohol sales shall be allowed on the premises. (P&Z) (SUP#2013-0008)
27. The applicant shall install, at its expense, one tree on the southern portion of the property to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2013-0008)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0078. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the automobile service station at 4001 Mount Vernon Avenue.

  
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Applicant - Signature

11.27.13  
Date

Sayed Howaida  
Applicant - Printed

11.27.13  
Date