



The following information must be furnished to the Department of Planning and Zoning to determine if the current use conducted on the premises complies with the special use permit provisions and all other applicable codes and ordinances.

1. Please describe prior special use permit approval for the subject use.

Most recent Special Use Permit # ~~0012~~ 2003-0012

Date approved: 6 / 14 / 2003  
month day year

Name of applicant on most recent special use permit O BAYEDUL HOQUE

Use Gasoline station / Convenience Store

2. Describe below the nature of the existing operation in detail so that the Department of Planning and Zoning can understand the nature of the change in operation; include information regarding type of operation, number of patrons served, number of employees, parking availability, etc. (Attach additional sheets if necessary.)

Gasoline sales and convenience store. Former Subway restaurant has closed.

The existing operation sells gasoline and convenience store products. Station generally serves 400-500 customers per day and patrons are provided parking on the service station lot. Typically there are two employees on duty during the daytime shifts and employees are provided parking on the service station property.

3. Describe any proposed changes to the business from what was represented to the Planning Commission and City Council during the special use permit approval process, including any proposed changes in the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, any noise emitted by the use, etc. (Attach additional sheets if necessary)

N/A No change for existing spu and will continue to operate as is.

Going forward we anticipate maintaining fire service station operations as-is. No significant changes are anticipated and we hope to enjoy continued success.

4. Is the use currently open for business?  Yes  No

If the use is closed, provide the date closed. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
month day year

5. Describe any proposed changes to the conditions of the special use permit:

OWNER change.

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6. Are the hours of operation proposed to change?  Yes  No

If yes, list the current hours and proposed hours:

Current Hours:

24 hrs

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Proposed Hours:

24 hrs

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7. Will the number of employees remain the same?  Yes  No

If no, list the current number of employees and the proposed number.

Current Number of Employees:

4

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Proposed Number of Employees:

4

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8. Will there be any renovations or new equipment for the business?  Yes  No

If yes, describe the type of renovations and/or list any new equipment proposed.

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9. Are you proposing changes in the sales or service of alcoholic beverages?  Yes  No

If yes, describe proposed changes:

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10. Is off-street parking provided for your employees?  Yes  No  
If yes, how many spaces, and where are they located?

2 employee spaces on the ~~left~~ right side of the building.

11. Is off-street parking provided for your customers?  Yes  No  
If yes, how many spaces, and where are they located?

11 customer spaces to the right of the convenience store away from the pump island & 6 additional spaces on the left of the building facing the Exxon station.

12. Is there a proposed increase in the number of seats or patrons served?  Yes  No

If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

(no sit-down dining; all food sales "to go.")

Current:

4 chairs/stools

Proposed:

4 chairs/stools

13. Are physical changes to the structure or interior space requested?  Yes  No

If yes, attach drawings showing existing and proposed layouts. In both cases, include the floor area devoted to uses, i.e. storage area, customer service area, and/or office spaces.

14. Is there a proposed increase in the building area devoted to the business?  Yes  No

If yes, describe the existing amount of building area and the proposed amount of building area.

Current:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. The applicant is the (check one)  Property owner  Lessee

other, please describe: Employee of NOVA Petroleum Supplies, LLC

16. The applicant is the (check one)  Current business owner  Prospective business owner

other, please describe: \_\_\_\_\_

17. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address.

For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

**Please provide ownership information here:**

The Applicant, NOVA Petroleum Suppliers, LLC is owned by NOVA Hobbs, LLC. NOVA Hobbs, LLC is owned by its members Eyob Mammo and Geery Schaeffer. Eyob Mammo owns 80% and Geery Schaeffer owns 20%. The address for both is 682D-B Commercial Dr., Springfield VA 22151.

**Ann Horowitz**

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**From:** David Tadesse <David@capitolpetro.com>  
**Sent:** Monday, March 10, 2014 11:59 AM  
**To:** Ann Horowitz  
**Cc:** Corky Calhoun; Hope Gardepe  
**Subject:** SUP revisions

Ann,

Please see responses to all the questions you asked for me to provide in red.

Let me know if you have any questions.

Thanks,

David Tadesse  
 Capitol Petroleum Group  
 Transportation Analyst  
 6820-B Commercial Dr  
 Springfield, VA 22151  
 Phone: 703.750. 6810 Ext. 151  
 Fax: 703. 639. 0503  
 Cell: 703. 231. 0780  
 Email: [dtadesse@capitolpetro.com](mailto:dtadesse@capitolpetro.com)

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**From:** Ann Horowitz <ann.horowitz@alexandriava.gov>  
**Date:** March 7, 2014 at 12:53:36 PM EST  
**To:** "david@capitolpetro.com" <david@capitolpetro.com>  
**Subject:** SUP revisions  
 Hi David,

These page numbers and question numbers refer to the SUP application you submitted. Please send responses by listing them according to the page and question numbers.

Page 2, question 2

Describe below the nature of the existing operation in detail.

Include types of products sold, number of patrons served per day, number of daily employees, and parking availability. Please write a paragraph.

The existing operation sells gasoline and convenience store products. Station generally serves 400 - 500 customers per day and patrons are provided parking on the service station lot. Typically there are two employees on duty during the daytime shifts and employees are provided parking on the service station property.

Page 3, question 3

Describe any proposed changes. Will the business offer any other services, will the number of patrons and employees change, will parking change? Please write a paragraph.

Going forward we anticipate maintaining the service station operations as -is. No significant changes are anticipated and we hope to enjoy continued success

Page 5, question 10

Is off-street parking provided for your employees. You answered no. Where do they park? If in the parking lot, then you would answer **Yes**

Page 5, question 11

Is off-street parking provided for your patrons? You answered no. However, it seems they would park in the lot? If so, please answer **yes**.

Page 5, question 12

How many seats exist in the space for patrons? What was the past number and how many seats do you propose?

There are currently 4 tall chairs available and we do not anticipate any additional chairs. Currently there is no sit down dining offered and all items are sold "to-go"

Thank you for sending these answers to me. As soon as I receive them, I can begin to process your application.

Ann

Ann Horowitz  
Urban Planner, City of Alexandria  
Department of Planning and Zoning  
City Hall  
301 King Street, Room 2100  
Alexandria, VA 22314  
703-746-3821 (direct line)  
703-838-6393 (fax)

**Ann Horowitz**

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**From:** David Tadesse <David@capitolpetro.com>  
**Sent:** Tuesday, March 11, 2014 12:04 PM  
**To:** Ann Horowitz  
**Subject:** RE: SUP revisions

Ann,

Please see below.

There are 19 total Parking spaces.

11 customer spaces to the right of the c-store away from the pump island.

2 employee spaces on the right side of the building.

6 additional spaces on the left of the building facing the Exxon station.

Thanks,

David Tadesse  
Capitol Petroleum Group  
Transportation Analyst  
6820-B Commercial Dr  
Springfield, VA 22151  
Phone: 703.750. 6810 Ext. 151  
Fax: 703. 639. 0503  
Cell: 703. 231. 0780  
Email: dtadesse@capitolpetro.com

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**From:** Ann Horowitz [mailto:ann.horowitz@alexandriava.gov]  
**Sent:** Tuesday, March 11, 2014 10:51 AM  
**To:** David Tadesse  
**Subject:** RE: SUP revisions

Hi David,

I need a few more details for your SUP application for 2922 Duke Street. Could you tell me how many parking spaces are available for employees and where are they located? Also, how many parking spaces are available for customers and where are they located?

Thanks again.

Ann

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**From:** David Tadesse [mailto:David@capitolpetro.com]  
**Sent:** Monday, March 10, 2014 4:48 PM  
**To:** Ann Horowitz  
**Subject:** Re: SUP revisions

Thanks,

Sent from my iPhone

On Mar 10, 2014, at 4:40 PM, "Ann Horowitz" <[ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)> wrote:

Thank you. I will send you a copy of the revised application

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**From:** David Tadesse [mailto:David@capitolpetro.com]  
**Sent:** Monday, March 10, 2014 11:59 AM  
**To:** Ann Horowitz  
**Cc:** Corky Calhoun; Hope Gardepe  
**Subject:** SUP revisions

Ann,

Please see responses to all the questions you asked for me to provide in red.

Let me know if you have any questions.

Thanks,

David Tadesse  
Capitol Petroleum Group  
Transportation Analyst  
6820-B Commercial Dr  
Springfield, VA 22151  
Phone: 703.750. 6810 Ext. 151  
Fax: 703. 639. 0503  
Cell: 703. 231. 0780  
Email: [dtadesse@capitolpetro.com](mailto:dtadesse@capitolpetro.com)

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CITY OF ALEXANDRIA, VIRGINIA  
DEPARTMENT OF PLANNING AND ZONING

RECEIPT

Applicant's Name Nova Petroleum Suppliers LLC Telephone Number 703/750-6810  
Mailing Address 6820B Commercial Dr. Springfield  
Property Location 2922 Duke St

Account Numbers:

- 105777-9133 (DSUP/DSP/TMP SUP)
- 105804-9133 (BZA/Zoning/SUP)
- 105809-9133 (BAR/Hist. Pres.)

Application Type:

- Special Use Permits \$250
- TMP SUP \_\_\_\_\_
- Prelim DSUP/DSP \_\_\_\_\_
- Final DSUP/DSP \_\_\_\_\_
- Rezoning \_\_\_\_\_
- Subdivisions \_\_\_\_\_
- Board of Zoning Appeals \_\_\_\_\_
- Board of Architectural Review \_\_\_\_\_
- Zoning Compliance Letter \_\_\_\_\_
- \_\_\_\_\_ \_\_\_\_\_

Amount Paid

\$250

Code Enforcement Fees

- 380584-9024 (DSP) \$ 200.00
- 380584-9025 (SUP) \$ 75.00
- 380584-9026 (DSUP) \$ 75.00

105804-9135

- Vacations \_\_\_\_\_
- Encroachments \_\_\_\_\_

105108-2501-001008

Political Sign Bond \_\_\_\_\_

303390-9056

Historic Preservation Fines \_\_\_\_\_

105108-9131

- Tax Maps \_\_\_\_\_
- Copying Charges \_\_\_\_\_
- Documents \_\_\_\_\_
- GIS DVD \_\_\_\_\_

TOTAL \$250

FOR INTERNAL USE ONLY

Date Received 2/25/2014 Staff Name (Print) N. Randall  
 Cash  Check Check Number #111 Check Date 2/25/2014  
 Credit: M/C, Visa Payer Capitol Petroleum Group LLC  
(Please circle)

Docket Item #26  
SPECIAL USE PERMIT #2003-0012

Planning Commission Meeting  
June 3, 2003

**ISSUE:** Consideration of a request for a change of ownership of an existing gasoline station/convenience store/restaurant.

**APPLICANT:** Obayedul Hoque

**LOCATION:** 2922 Duke Street  
Skyhill Shell Station

**ZONE:** CG/Commercial General

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**CITY COUNCIL ACTION, JUNE 14, 2003:** City Council approved the Planning Commission recommendation.

**PLANNING COMMISSION ACTION, JUNE 3, 2003:** On a motion by Mr. Gaines, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

The applicant spoke and agreed to the staff recommendations, including the limitation on alcohol sales.

SUP #2003-0012  
2922 Duke Street

**SKETCH PAGE**

STAFF RECOMMENDATION:

Staff recommends **approval** 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 1827)
2. Condition deleted. (SUP 97-0189)
3. No alcohol service shall be permitted; no off-premise alcohol sales are permitted. (Police)
4. Condition deleted. (SUP 97-0189)
5. Seating in the restaurant may be provided for no more than 12 patrons. (P&Z) (SUP-97-0189)
6. Outside dining facilities shall not be permitted. (P&Z)(SUP 97-0189)
7. No live entertainment shall be provided at the restaurant. (P&Z) (SUP 97-0189)
8. The hours of operation of the restaurant shall be limited to 7:00 a.m. to 11:00 p.m. daily. (P&Z)(SUP 97-0189)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP 97-0189)
10. Condition deleted. (P&Z)
11. Condition deleted. (SUP 99-0118)
12. Alcoholic beverage service is not permitted in the Subway restaurant. (P&Z) (SUP 97-0189)
13. No food, beverages, or other material shall be stored outside.(P&Z) (SUP 97-0189)
14. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site

- outside of these containers. (P&Z) (SUP 97-0189)
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. (P&Z) (SUP 97-0189)
  16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP 97-0189)
  17. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)
  18. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
  19. 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, (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, 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)
  20. Condition deleted. (P&Z)
  21. Condition deleted. (SUP 99-0118 - City Council)
  22. The applicant shall maintain landscaping in perpetuity to the satisfaction of the Director of Planning and Zoning. (P&Z)
  23. No loading or unloading activities shall occur on the public rights-of-way. (P&Z) (SUP#99-0118)
  24. Condition deleted. (P&Z)
  25. The applicant shall clean out the catch basin located on the west side of the parking lot and repair the drainage flume connecting it to the Roth Street gutter line. (T&ES) (SUP#99-0118)

26. All waste products including, but not limited to, organic compounds (solvents), motor oil, compressor lubricant, and anti-freeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and shall not be discharged into the sanitary or storm sewers, or be discharged onto the ground. (T&ES)
27. The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. Contact T&ES engineering division on (703) 838-4327 to obtain a copy of the manual. (T&ES) (SUP#99-0118)
28. A parking reduction is granted for a total of 17 parking spaces. (P&Z) (SUP#99-0118)
29. The applicant shall control cooking 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 & Environmental Services. (T&ES)
30. 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 at 703/519-3400, extension 166. (T&ES)

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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.

DISCUSSION:

1. The applicant, Obayedul Hoque, requests special use permit approval to change the ownership of an existing gas station, convenience store, and restaurant located at 2922 Duke Street.
2. The subject property is two lots of record with a combined 240 feet of frontage on Duke Street, 130 feet of frontage on Roth Street, and a total lot area of 38,624 square feet. The site is developed with a one story commercial building that consists of a gasoline service, a convenience store and a Subway restaurant. Surface parking is located adjacent to the building. Vehicular access to the property is from Duke Street..
3. An automobile service station has been in operation on the site since 1970 (SUP #791). In September 1988, Council approved a request to replace the repair garage with a convenience store.(SUP #1827-A). More recently, in 1998, Council approved the addition of a Subway restaurant to the business (SUP #97-0158). There have been issues with the service station in the past, including difficulty obtaining compliance with the requirement to remove a trailer from the site; however, there have been no problems or complaints with the station in recent years.
4. This application is for a change of ownership of the gasoline station, convenience store, and restaurant. It would ordinarily be handled administratively in that staff inspected the property and found no violations to the special use permit; there is no history of complaints at the site; staff advertised the request in the local newspapers and sent letters to area Civic Associations but received no comments from residents. However, the Police Department recommend that a condition be changed, and that step requires action by city council. Section 11-503 (F) (1) (c), states that any new or changed SUP conditions, other than standard conditions, must be considered

by City Council. Condition #3 of the SUP permits limited alcohol sales at the establishment.

5. Specifically, the Police recommend that the convenience store not be permitted to sell alcohol. The Police oppose the sale of any kind of alcohol at any gas stations, finding that the sale of alcohol is inappropriate at a gasoline facility because it could lead to intoxicated drivers.
6. Zoning: The subject property is located in the CG/Commercial General zone. Section 4-403 of the zoning ordinance permits a service station, restaurant and convenience store in the CG zone only with a special use permit.
7. Master Plan: The proposed use is consistent with the Taylor Run/Duke Street Small Area Plan chapter of the Master Plan which designates the property for general commercial use.

STAFF ANALYSIS:

Staff has no objection to the proposed change of ownership located at 2922 Duke Street. Although there have been complaints in the past, staff is not aware of any complaints in the past several years.

Staff did not observe any violations at the site, and observed that the property was well maintained, including the landscaping. Staff recommends a one year review condition to ensure compliance with the SUP is maintained. Staff has also updated a number of the conditions, deleted outdated conditions, and added standard conditions. The conditions proposed by staff include the prohibition recommended by the Police to prohibit alcohol sales at this gas station.

The history of alcohol sales at this particular site, as reflected in its SUP condition language over time, demonstrates the City's approach to the issue citywide. In 1991, when City Council approved the addition of a convenience store at this location, it allowed the sale of alcohol from the convenience store, but added the following condition: "That no beer be sold in other than six packs and that no wine in quantities below 0.5 liters be sold." This was the first SUP case with a condition limiting alcohol sales in the City, and similar language was used in other cases thereafter.

In 1998, when the applicant's request to add a Subway restaurant was under consideration, Council asked staff for background on the history, language, and effect of including a condition that limits alcohol sales. The attached March 11, 1998, memorandum from Chief Samarra and Director Lynn present that background. In addition, Planning staff worked with Police to update the condition regarding alcohol sales, and Council accepted the proposed new language, which stated:

"Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of 40 fluid ounces or more. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold".

On March 14, 1998, when Council approved the request to add the Subway restaurant at the gas station, the SUP included the updated language limiting alcohol sales. The same language is a standard condition in all SUP cases which allow off premise sales of beer and wine.

The convenience store at issue here has been selling some wine and beer off premise for many years, although it does not appear to constitute a large portion of its convenience sales. There is a 7-11 store across Duke Street which likely dominates the market in the area, although concerns about drinking and driving may also apply at those convenience stores that cater to drivers. Staff has found no other stations in the City where alcohol is sold. Gas stations with convenience stores located at 2320 Jefferson Davis Highway (Exxon), 4550 Kenmore (Exxon), and 3500 King (Mobil), are not

permitted to sell alcohol.

With these conditions, staff recommends approval of the special use permit.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Barbara Ross, Deputy Director;  
Valerie Peterson, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- 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.
- F-1 The applicant has complied with previous T&ES recommendations for relocation of a planter and repair of an existing stormwater flume (SUP#99-0118)
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 **(NEW CONDITION)** The applicant shall control cooking 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 & Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 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-5 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 A new fire prevention permit will be required due to the change in ownership.

Health Department:

- F-1 An Alexandria Health Department Permit is required for all regulated facilities.
- 1) Permits are non-transferable.
  - 2) This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 703-838-4400 Ext. 255 to arrange for a "change of ownership" inspection.
  - 3) If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
  - 4) Permits must be obtained prior to operation.
  - 5) The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
  - 6) Certified Food Managers must be on duty during all hours of operation.
  - 7) Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
  - 8) This facility is currently operating as Skyhill Shell under permit #16F-509-1, issued to Anjali & Anisha, Inc.
  - 9) Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.

- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 The Alexandria Police Department does not concur with the sale of any kind of alcohol at gas stations.