

DATE: October 15, 2014

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

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0093
Administrative SUP for Change of Ownership
Site Use: Service Station and Convenience Store
Business Name: Shell Service Station and Convenience Store
Applicant: Inayat Omar
Location: 5200 Duke Street
Zone: CG/Commercial General

Request

Special Use Permit #2014-0093 is a request to change the ownership of an automobile service station and a convenience store from Robert J. Anderson to Inayat Omar. No additional changes are proposed to the existing operation. The establishment would continue to operate as Duke Street Shell.

Background

A Shell service station has operated at this site since 1964 (SUP#0572). City Council approved several modifications to the station through SUP#1457 in 1982 and SUP#1457A in 1994. City Council permitted SUP#96-0084 in 1996 for additional parking and the use of a temporary trailer.

In 2011 and 2012, staff responded to complaints regarding overgrown grass which the business owner immediately remedied. A zoning inspection in 2010 resulted in a warning ticket for an illegal sign and the business owner promptly removed the signs.

Parking:

The 2,047 square foot service station is required to provide six parking spaces pursuant to Section 8-200(A)(12) of the Zoning Ordinance. The business exceeds the zoning requirement with thirteen parking spaces.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, The Cameron Station Civic Association, Holmes Run Park Committee, Pavilion on the Park Condominiums, Cameron Station Community Association, and the Hallmark Condominiums have been informed of the change of ownership request. Staff has not received any comments from residents or adjacent businesses during the noticing period.

Staff Action

Staff supports the change of ownership and it views the request as reasonable. A service station has successfully operated at this site for several decades and is located near other automobile related businesses.

Several conditions have been carried over from the previous SUP and have been amended to incorporate current standard language. Because the parking plan has been previously addressed, Condition 3 has been amended. The temporary storage trailer has been removed and the appearance of the service station property has been improved, requiring the deletion of Conditions 13 and 14, respectively. The disposal of waste products is mandated in Condition 11 and negates the need for Condition 10 which has been deleted. Lastly, the SUP conditions in this report have been updated with the addition of Conditions 15-24, that include litter, public transportation requirements, reference to the City of Alexandria Best Management Practices manual, and delivery schedules.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: October 15, 2014
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2014-0093

The new 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. **CONDITION AMENDED BY STAFF:** The special use permit shall be granted to the applicant only or to any ~~business or entity~~ corporation in which the applicant has a controlling interest. ~~(P&CD)(SUP 1457A)~~ (P&Z)
2. **CONDITION AMENDED BY STAFF:** No repair work shall be done outside ~~on the~~ subject properties. All repairs of motor vehicles at the site shall be conducted inside a building or structure. ~~(P&CD)(SUP 1457A)~~ (P&Z)
3. **CONDITION AMENDED BY STAFF:** No more than 13 vehicles shall be parked or stored outside at any time. ~~Spaces #1, 2, 8, 15, 16, and 17 shall be deleted from the applicant's proposed parking plan.~~ (P&Z)
4. **CONDITION AMENDED BY STAFF:** No junked, abandoned, or ~~stripped or~~ unlicensed vehicles shall be displayed, parked or stored outside. ~~(P&CD)(SUP 1457A)~~ (P&Z)
5. **CONDITION AMENDED BY STAFF:** No vehicles shall be displayed, parked or stored ~~on~~ in any portion of the a public right-of-way. ~~(P&CD)(SUP 1457A)~~ (P&Z)
6. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure. (P&CD)(SUP 1457A)
7. 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&CD)(T&ES)(SUP 1457A)
8. Condition deleted.
9. The business may operate 24 hours a day, seven days a week. (P&CD)(SUP 1457A)
10. **CONDITION DELETED BY STAFF: (see Condition 11):** ~~Used oils, grease, etc., shall be disposed of according to Environmental Protection Agency (EPA) regulations.~~ ~~(T&ES)(SUP 1457A)~~
11. **CONDITION AMENDED BY STAFF:** All waste products including, but not limited to organic compounds (solvents), motor oils, and antifreeze 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. ~~(Health)~~ (P&Z)

12. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and ~~No~~ amplified sound shall be audible at the property line. (PC) (P&Z)
13. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The storage trailer on the property shall be removed in eighteen months, by December 31, 1997.~~ (P&Z)
14. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall submit a plan to improve the appearance of the site which shall include landscaping proposals and an arrangement for the location of the dumpster which does not conflict with parking. The dumpster shall be located on a concrete dumpster pad and suitably screened. Landscaping shall include enhanced parking screening and installation of street trees along Duke and Pickett Streets. The plan shall be approved by the Director of Planning and Zoning, implemented by October 31, 1996 and maintained thereafter.~~ (P&Z)
15. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation for the service station at the entrance of the building. (P&Z)
16. **CONDITION ADDED BY STAFF:** 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)
17. **CONDITION ADDED BY STAFF:** 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)
18. **CONDITION ADDED BY STAFF:** The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. Contact T&ES engineering division on 703- 746-4065 to obtain a copy of the manual or at http://www.alexandriava.gov/uploadedFiles/tes/info/Automotive_BMP_manual.pdf. (P&Z)
19. **CONDITION ADDED BY STAFF:** The applicant shall encourage require its employees who drive to use off-street parking and/or provide employees who use mass transit or to carpool when traveling to and from work, with subsidized bus and rail fare media. The applicant shall also posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. Metrobus schedules on-site for employees. (P&Z)
20. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)

21. **CONDITION ADDED BY STAFF:** 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. (P&Z)
22. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)
23. **CONDITION ADDED BY STAFF:** No food, beverages, or other material shall be stored outside. (P&Z)
24. **CONDITION ADDED BY STAFF:** 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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0093. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the gasoline station and convenience store at 5200 Duke Street.

Applicant – Signature

Date

Applicant – Printed

Date