

DATE: May 13, 2015

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

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0044
Administrative Review for Change of Ownership
Site Use: Gasoline Station and Convenience Store
Business Name: 2922 Duke Street Shell
Applicant: Dogwood Petroleum Realty, LLC by David Tadesse
Location: 2922 Duke Street
Zone: CG/Commercial General

Request

Special Use Permit #2015-0044 is a request to change the ownership of a gasoline station and a convenience store from NOVA Petroleum Supplies, LLC to Dogwood Petroleum Realty by David Tadesse. The business name will continue as 2922 Duke Street Shell. No additional changes are proposed to the gasoline station and convenience store.

Background

City Council has approved several Special Use Permits related to the original gas station that have included the addition of a convenience store (SUP#1827A), a Subway restaurant (SUP#97-0189), and a change of ownership (SUP#2003-0012). Due to several violations of the SUP conditions, City Council scheduled a special review of the use in 1999 and reapproved it with additional conditions (SUP#99-0118). The Subway restaurant closed in 2012. Most recently, a change of ownership was administratively approved through SUP#2014-0026.

Between 2009 and 2013, a series of SUP condition violations regarding the handling of trash and maintenance of landscaping were discovered. In both instances, all violations were immediately remedied. In June 2014, a Code inspection revealed tall grass on the premises and the business owner addressed this condition promptly. A recent inspection revealed no violations of the SUP conditions.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, The Longview Hill Citizens' Association 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 as a reasonable request. Condition 25 was deleted since a previous business operator satisfied the requirement. Staff has added standard conditions related

to hours of operation, posting of hours, and a product delivery schedule, as stated in Conditions 33, 34, and 35, respectively.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: May 13, 2015
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2015-0044

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. 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) (SUP#2003-0012)
4. Condition deleted. (SUP#97-0189)
5. Condition deleted. (SUP#97-0189)
6. Condition deleted. (SUP#97-0189)
7. Condition deleted. (SUP#97-0189)
8. Condition deleted. (SUP#97-0189)
9. Condition deleted. (SUP#97-0189)
10. Condition deleted. (P&Z) (SUP#99-0118)
11. Condition deleted. (SUP#97-0189)
12. Condition deleted. (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. Condition deleted. (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) (SUP#2003-0012)
18. **CONDITION AMENDED BY STAFF:** The applicant is to contact the ~~Crime-Prevention~~ Community Relations Unit of the Alexandria Police Department at ~~703-746-6388~~ (703)746-1920 regarding a security survey for the business and a robbery awareness program for all employees. (P&Z) (~~SUP#2003-0012~~)
19. **CONDITION AMENDED 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) (~~SUP#2014-0126~~)
20. Condition deleted. (P&Z) (SUP#99-0118)
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) (SUP#99-0118)
25. **CONDITION SATISFIED AND DELETED:** ~~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) (SUP#99-0118)
27. The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. Contact T&ES engineering division on 703-746-4065 to obtain a copy of the manual or at http://www.alexandriava.gov/uploadedFiles/tes/info/Automotive_BMP_manual.pdf. (P&Z) (SUP#2014-0126)

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) (SUP#2003-0012)
30. Condition deleted. (SUP#2003-0012)
31. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking and 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. (P&Z) (~~SUP#2014-0126~~)
32. 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) (SUP#2014-0126)
33. **CONDITION ADDED BY STAFF:** The hours of operation shall be limited to between 6:00 a.m. and 12:00 a.m., daily. (P&Z)
34. **CONDITION ADDED BY STAFF:** The hours of the operation shall be posted at the entrance of the business. (P&Z)
35. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0044. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the gasoline station and convenience store at 2922 Duke Street.

Applicant – Signature

Date

Applicant – Printed

Date