DATE: May 9, 2016

TO: Alex Dambach, Division Chief
Land Use Regulatory Services

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2016-0013
Administrative Review for a Minor Amendment

Site Use:	Automobile Service Station with Convenience Store and Restaurant
Applicant:	Fannon Mart Inc. and Mount Vernon Petroleum Reality LLC
Location:	2320 Jefferson Davis Highway
Zone:	I / Industrial

Request

Special Use Permit #2016-0013 is a minor amendment request to add one delivery vehicle to serve customers of the restaurant that is located inside the convenience store and automobile service station. The establishment will continue to operate as Tiger Mart. Fannon Mart Inc. owns the convenience store and restaurant uses on the site and addresses the administrative duties for the gas station. Mount Vernon Petroleum Realty LLC owns the gas station. No other changes to the business are proposed.

Background

City Council approved construction and operation of a 24-hour gas station and convenience store in 1997. The addition of a 24-hour restaurant was permitted in 1999. City Council and staff approved changes of ownership in 2004, 2011, and 2012.

A Zoning inspection in March 2016 revealed violations of Conditions 28 (disposable paper products identified with Tiger Mart name), 29 (proper disposal of trash), 30 (litter removal), and 38 (landscape maintenance). The applicants resolved the violations within two weeks of receiving a warning notice.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Del Ray Citizens Association. Del Ray Business Association, Potomac Greens Homeowners Association, Old Town Greens Townhome Association, and Old Town Greens Unit Owners Association were notified about the current application. Staff has not received comments from the community about the minor amendment request.

Staff Action

Staff believes that the minor amendment request to add one delivery vehicle is

reasonable, and it would permit the applicants to offer an additional business service to its customers. Condition 25 has been amended to reflect this change to the business operation. The delivery vehicle must be parked off-street in the on-site parking lot when it is not in use. Previous conditions have been carried forward as all other aspects of the business remain the same. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: Approved
Action: May 9, 2016

Alex Dambach, Division Chief

Attachments:
1) Special Use Permit Condition
2) Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2016-0013

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. 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 #97-0145)

2. No materials shall be stored or permitted to accumulate outside, except in a dumpster or other suitable trash enclosure. (P&Z) (SUP #97-0145)

3. The applicant shall post the hours of operation at the entrance to the business. (P&Z) (SUP #97-0145)

4. No amplified sound shall be audible at the property line. (P&Z) (SUP #97-0145)

5. The applicant shall post "No loitering" signs on the property and shall submit a letter to the Chief of Police permitting the police to enforce the sign. (P&Z) (SUP #97-0145)

6. No alcoholic beverages shall be sold.

7. No outside pay telephones shall be installed. (PC) (SUP #2001-004)

8. No outdoor vending machines shall be permitted. (P&Z) (SUP #97-0145)

9. Condition deleted. (SUP#2003-0112)

10. Condition deleted. (PC) (SUP #97-0145)

11. Condition deleted. (SUP#2003-0112)

12. Condition deleted. (SUP#2003-0112)

13. All dumpsters and utility structures (except fire hydrants) shall be located and screened to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #97-0145)

14. No more than the one freestanding sign proposed shall be permitted, and it shall have a maximum sign area of 75 square feet. (P&Z) (SUP #97-0145)

15. The applicant shall 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) (SUP#2011-0054)

16. The applicant shall consult with the Crime Prevention Unit of the Alexandria Police Department regarding a robbery awareness program for all employees. (P&Z) (SUP#2011-0054)

17. Lighting on the entire lot shall be a minimum of 2.0 foot candles maintained or to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (Police) (P&Z) (SUP #97-0145)

18. As the trees on the site mature they shall be limbed up a minimum of 6 feet. (Police) (SUP #97-0145)

19. Condition deleted. (SUP#2003-0112)

20. Condition deleted. (SUP#2003-0112)

21. A parking reduction to 16 spaces shall be permitted. (PC) (SUP #97-0145)

22. No seating shall be provided for the restaurant. (P&Z) (SUP #98-0156)

23. No outdoor seating shall be permitted on the premises. (P&Z) (SUP #98-0156)

24. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #98-0156)

25. **CONDITION AMENDED BY STAFF:** ~~No delivery service shall be provided.~~ Not more that one delivery vehicle used to deliver food and beverages to customers shall operate from the restaurant at any one time. The applicant must park the delivery vehicle in an off-street parking space in the on-site parking lot. (P&Z) ~~(SUP #98-0156)~~

26. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #98-0156)

27. The applicant shall maintain at least one trash container within the restaurant for customers' use. (P&Z) (SUP#2003-0112)

28. All disposable paper goods or drink containers shall be clearly marked so that the source of any litter can be identified. (P&Z) (SUP #98-0156)

29. 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 or debris shall be allowed to accumulate on site outside of these containers. (P&Z) (SUP #98-0156)

30. 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 #98-0156)

31. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP #98-0156)

32. 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 and Environmental Services. (T&ES) (SUP #2002-0083)

33. The Director of Planning and Zoning shall monitor the parking lot to insure that the existing on-site parking is sufficient for all of the uses. If the Director determines that the parking is insufficient or that the demand for on-site parking exceeds the existing supply, the applicant shall modify the parking area to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z) (SUP #98-0156)

34. **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 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) ~~(SUP#2012-0020)~~

35. Condition deleted. (SUP#2003-0112)

36. Condition deleted. (SUP #99-0161)

37. All lighting shall be directed downward and shall be screened at the sides to avoid glare on adjacent residential properties, to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. The applicant shall install, within 90 days, new canopy lighting that is either recessed or otherwise shielded to the satisfaction of the Director of Planning & Zoning. (CC) (P&Z) (SUP #2012-0020)

38. All landscaping shall be well maintained in perpetuity. (PC) (SUP #2001-0117)

39. Loudspeakers shall be prohibited from the exterior of the building, but intercoms for the purposes of communication between the station attendant and customers at the gas pump are allowed. (T&ES) (PC) (SUP #2002-0083)

40. 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 #2002-0083)

41. 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. (P&Z) (SUP #2002-0083)

42. 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#2003-0112)

43. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2003-0112)

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:
No comments received

Code Enforcement:
No comments received

Fire:
No comments received

Health:
No comments

Parks and Recreation:
No comments received

Police Department:
No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0013. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the automobile service station, convenience store and restaurant at 2320 Jefferson Davis Highway.

Miry

Applicant - Signature

May 11, 2016

Date

Mirza

Applicant – Printed

May 11, 2016

Date

City of Alexandria, Virginia
Department of Planning & Zoning

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	SUP#2016-0013
Approved by Planning and Zoning:	May 9, 2016
Permission is hereby granted to:	Fannon Mart Inc. and Mount Vernon Petroleum Reality LLC
to use the premises located at:	2320 Jefferson Davis Highway
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.

May 9, 2016
Date

KARL MORITZ/AD
Karl Moritz, Director
Department of Planning and Zoning