

EXHIBIT NO. 1

3  
11-17-01

Docket Item # 4  
DEVELOPMENT SPECIAL USE PERMIT #2001-0016  
CROWN STATION - DUKE ST

Planning Commission Meeting  
November 8, 2001

**ISSUE:** Consideration of a request for a development special use permit for extension of time for approved renovations to an automobile service station.

**APPLICANT:** Crown Station Inc.  
by Erika L. Byrd, attorney

**LOCATION:** 4109 Duke Street  
Crown Station

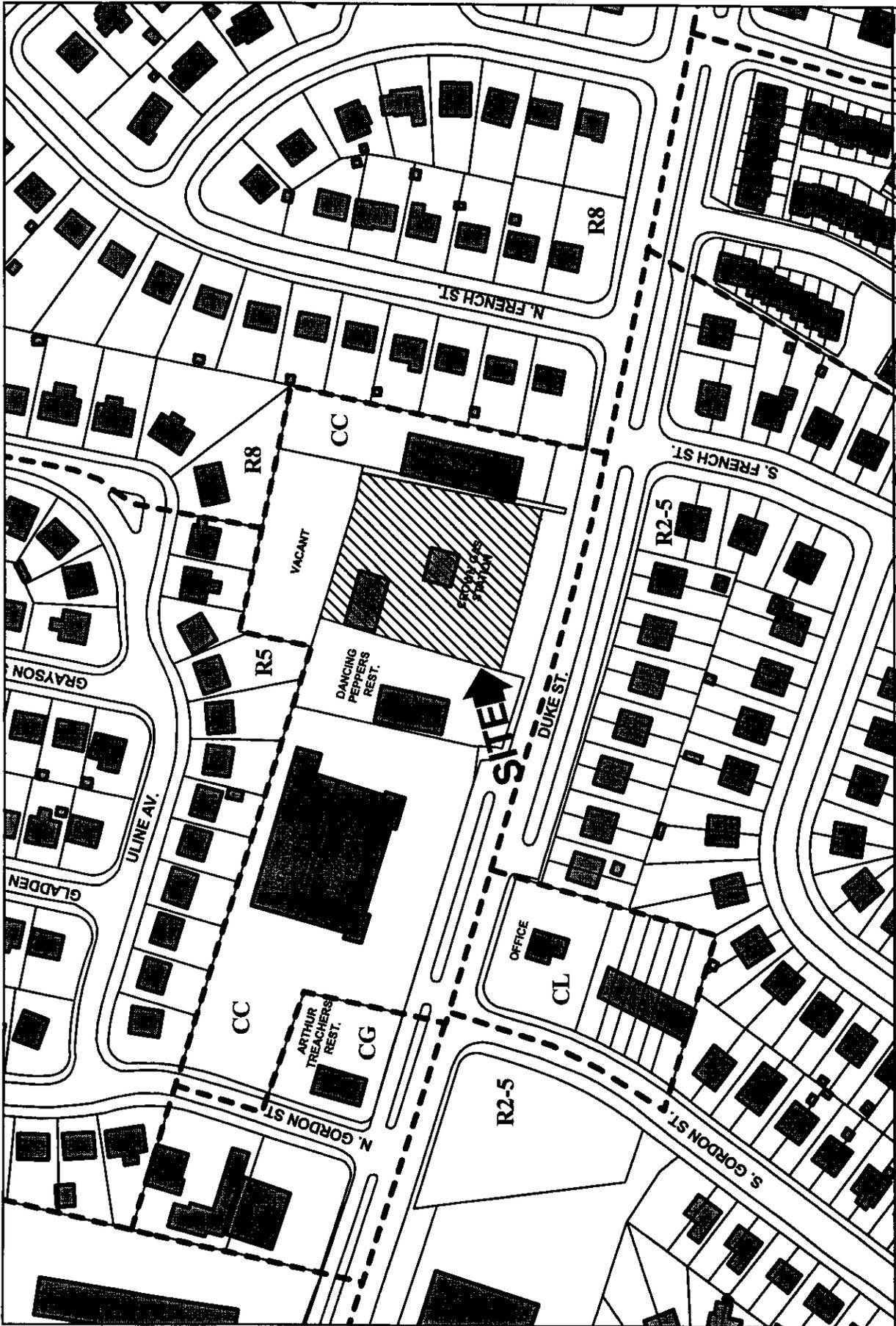
**ZONE:** CC/Community-Commercial

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**PLANNING COMMISSION ACTION, NOVEMBER 8, 2001:** On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission voted to recommended 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 Commission agreed with the staff analysis.

**Speakers:** Erika L. Byrd, attorney, representing the applicant.



11/08/01

DSUP #2001-0016



**STAFF RECOMMENDATION:**

Staff recommends **approval** of the special use permit for the proposed convenience store and automobile service station 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. (SUP 1993)
2. No abandoned, junked or unlicensed vehicles shall be stored on the premises at any time. (PC/CC 9/73)
3. No automobile repair work shall be done on the premises at any time. (P&Z)
4. There shall be no stacking or parking of vehicles on the public right-of-way in front of the station at any time. (PC/CC 9/73)
5. No banners, streamers, or similar advertising devices shall be displayed on the premises. (PC/CC 9/73)
6. That all lights be directed onto the property so as not to interfere with street traffic or adjacent properties. (PC/CC 9/73)
7. The business shall be permitted to operate twenty-four hours a day, seven days a week as requested by the applicant. (P&Z)
8. The applicant shall not sell alcoholic beverages. (Police)
9. The sales from the convenience store shall be limited to prepackaged items such as cigarettes, candy, gum, soda etc. (P&Z) (Police)
10. No outdoor display/sales shall be permitted except that:
  - a. limited amounts of small automotive products, such as oil, lube and window-washing fluid, shall be permitted provided they are placed directly against the kiosk building.
  - b. no more than six soda vending machines shall be permitted provided they are placed at the rear of the site, against the undeveloped northern portion of the site. (P&Z)
11. No amplified sound shall be generated by the use or audible at the property line. (P&Z)

12. The existing one-story building on the northern portion of the property shall only be utilized as incidental storage. (P&Z)
13. **(REVISED CONDITION) The applicant shall close one of the three existing curb cuts and reconfigure the width and location of the two curb cuts as generally depicted in the attached plan by Gorove/Slade dated October 12, 2001. All Traffic Control Device design plans, Work Zone Traffic Control plans, and Traffic Studies shall be sealed by a professional engineer registered in the State of Virginia.** ~~and shall replace it with curbing, open space, landscaping, and a 4 ft. wide concrete sidewalk to connect with sidewalks on adjacent properties to the satisfaction of the Directors of P&Z and T&ES. The applicant may relocate the two existing curb cuts to the satisfaction of the Directors.~~ (P&Z)(T&ES)
14. **(REVISED CONDITION)** Provide a revised landscaping plan to the satisfaction of the Directors of P&Z and RPCA. At a minimum, the revised landscape plan shall provide the following additional plantings:
  - a. Seven Yoshino cherry trees planted twenty foot on-center adjacent to Duke Street.
  - b. Evergreen shrubs shall be provided to fill gaps in the existing landscaping to create an evergreen hedge adjacent to Duke Street. **The proposed Hicks Yew hedge shall be planted with a maximum spacing of 18-24 inches to provide a continuous evergreen hedge. (P&Z)(Arborist)**
15. Trees shall not be planted under or near light poles. (Police)
16. **(REVISED CONDITION)** The existing freestanding sign shall be replaced with a sign no taller than 8 feet and no larger than ~~75~~ **50** square feet prior to the issuance of an occupancy permit for the convenience store kiosk. (P&Z)
17. All signage not permitted by the zoning ordinance shall be removed from the site prior to the release of a building permit for any improvements to this site. (P&Z)

18. **(REVISED CONDITION) The current use of the site and the fact that VADEQ has a closed case(#91-1344) regarding a release from an underground storage tank requires submission of 5 copies of the following:** The final site plan shall not be released and no construction activity shall take place until the following has been submitted and approved by the Directors of Health and T&ES:
- a. Submit a Site Characterization Report/Extent of Contamination Study detailing the location, the contaminants, and the estimated quantity of any contaminate soils and/or groundwater at or in the immediate vicinity of the proposed site.
  - b. Submit a Risk Assessment plan indicating any risks associated with the contamination.
  - c. Submit a Remediation Plan detailing how any contaminated soils and/or groundwater will be dealt with, including plans to remediate utility corridors. "Clean" backfill shall be used to fill the utility corridors.
  - d. Submit a Health and Safety Plan indicating measures to be taken during any remediation and/or construction to minimize the potential risks to workers, the neighborhood, and the environment. (T&ES)(Health)
19. The applicant shall provide a building security survey and a robbery awareness program for all employees. The Crime Prevention Unit of the Police Department is to be consulted on security hardware for the building prior to construction. The lighting in the parking lots is to be minimum of 2.0 foot candle minimum maintained. (Police)
20. The applicant shall attach a copy of the final released site plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the final released site plan prior to review and approval of the building permit by the Departments of Planning and Zoning and Transportation and Environmental Services. (P&Z)
21. 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, 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)

22. The developer shall make cash contributions to the Housing Trust Fund in the amount of \$.50 per gross square floor, payable before receipt of the certificate of occupancy. (Housing)
23. 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. (PC)
24. **(NEW CONDITION) New driveway entrances shall be city standard CSES-1, Industrial at 9" thickness. Provide details on the final site plan. Indicate the width of all driveway entrances both existing and proposed on the final site plan. (T&ES)**
25. **(NEW CONDITION) A site lighting plan shall be submitted that complies with the minimum city standards. Lighting shall be shielded to prevent excessive spillover lighting and glare onto adjacent properties. (T&ES)**
26. **(NEW CONDITION) The applicant shall provide a phased erosion and sedimentation control plan consistent with grading and construction. The applicant shall comply with the Alexandria Best Management Practices manual for automotive related uses. (T&ES)**
27. **(NEW CONDITION) Provide a site lighting plan to meet minimum city standards. Lighting shall be shielded to prevent excessive spillover lighting and glare onto adjacent properties. (T&ES)**
28. **(NEW CONDITION) The applicant shall provide a surface such as stamped concrete or brick pavers across the two curb cuts on Duke Street to provide an uninterrupted sidewalk. A detail of the stamped concrete or brick pavers shall be provided on the final site plan and shall comply with T&ES standards. (T&ES)(P&Z)**

**Special use permits and modifications requested by the applicant and recommended by staff:**

1. Special Use Permit for an Automobile Service Station.
2. Special Use Permit for a Convenience Store.
3. Special Use Permit for Outdoor Display/Sales (as limited by the SUP conditions).
4. Special Use Permit for Parking Reduction.
5. Modification to the required 60 ft. highway setback for the freestanding sign.

**DISCUSSION:**

The applicant, Erika Byrd, Esq. for Crown Stations, Inc., is requesting an extension of an approved development special use permit to complete the revisions to the final site plan and commence construction. The special use permit and accompanying site plan (DSUP#2000-0007), was approved by City Council on June 17, 2000, for expansion of the existing automobile service station, a convenience store kiosk, outdoor display, parking reduction and a modification for the required 60 ft. highway setback for the freestanding monument sign.

Crown initiated the original proposal to construct a kiosk to house miscellaneous products such as soda, candy, etc. in order to address zoning violations for outdoor display and sales. In conjunction with the new kiosk, the applicant also proposed an increased number of pumps. (See attached report for DSUP#2000-007 for details.)

In conjunction with the extension, the applicant is requesting approval to allow the curb-cuts on Duke Street to increase in width from the 28' originally approved to 32'. P&Z's original recommendation of approval on this case was based on maintaining the limited curb-cut size and upgrading the streetscaping along Duke Street, as is being applied to all other special use permits along Duke Street. The wider curb-cuts detract from the streetscape along Duke Street, as they increase paving and decrease the potential for a buffer area. After the City Council approval, the applicant requested wider curb-cuts, and T&ES staff determined that the wider curb-cuts were necessary in this instance. Nonetheless, staff is recommending reapproval of this project in this case, even with the wider curb-cuts, because the overall effect of the proposal still improves Duke Street by closing one of the three existing curb-cuts, replacing the pole sign with a monument sign, and providing additional landscaping. Staff recommends that a *twelve-month* extension be granted to the applicant during which provide ample opportunity to have the final site plan approved and construct the kiosk and site improvements.

The Department of Planning is working on revisions to the development review process. One of the goals of the improved process is to ensure that issues--such as the width of the curb cuts--are raised with applicants prior to City Council approval so that the plans approved by the City can better represent the ultimate development and that decisionmaking is based on better information.

**STAFF:** Eileen P. Fogarty, Director, Department of Planning and Zoning;  
Kimberley Johnson, Chief, Development;  
Jeffrey Farner, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 Bond for the public improvements must be posted prior to release of the plan.
- C-2. All downspouts must be connected to a storm sewer by continuous underground pipe.
- C-3 All easements and/or dedications must be recorded prior to release of the plan.
- C-4. Plans and profiles of utilities and roads in public easements and/or right-of-way must be approved prior to release of the plan.
- C-5. All drainage facilities must be design to the satisfaction of the Director of T&ES.
- C-6 All utilities serving this site to be underground.
- C- 7 Provide site lighting plan. Show all existing and proposed street lights and site lights. Indicate the type of fixture and show mounting height and strength of fixtures in Lumens and Watts. Provide manufacturer's specifications for the fixtures. Provide lighting calculations to verify that lighting meets City standards.
- C-8. Plan shall comply with the Chesapeake Bay Preservation Ordinance per Article XIII of the City's zoning ordinance for stormwater quality control.

Code Enforcement:

- C-1 All pumps shall be within the line of sight from the attendants work station
- C-2 Show the location of the emergency shut-off.
- C-3 Provide an updated spill prevention plan.
- C-4 A separator or equipment device shall be provided to prevent flammable liquids from entering the sewer system.
- C-5 A fire prevention permit is required for the altering of the dispensing system.
- C-6 Construction permits are required for the proposed alterations. Full detailed plans shall accompany the permit application.

Citizens Assistance:

- C-1 The applicant must comply with Sec. 9-7-7(a-f) of the City Code that specifies the requirements for the display of gasoline prices by retail gasoline dealers in the City.

Health Department:

- C-1 The operation of equipment including vacuums, must comply with Title 11, Chapter 5, the Noise Control Code, which sets the maximum permissible sound level at this property.
- C-2 An Alexandria Health Department is required for all regulated facilities.
- C-3 Five sets of plans are to 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 plan review of food facilities.
- C-4 Permits shall be obtained prior to construction.
- C-5 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-6. Certified Food Managers must be on duty during all hours of operation.

Historic Alexandria (Archaeology):

- F-1. Previous ground disturbance and low potential for significant archeological resources to be disturbed. No action required.

Office of Housing:

No comment.

Planning & Zoning:

- C-1. Pursuant to Sec.6-403 of the Zoning Ordinance requires all rooftop units to be concealed by or constructed of exterior architectural materials or features of the same type of quality used on the exterior walls of the main building in question.

- C-2. All proposed signs must comply with all applicable provisions of the Zoning Ordinance,
- C-3. The applicant shall provide a landscape plan in accordance with the City of Alexandria Landscape Guidelines, which shall include:
- a. Plan specifications in accordance with the current and most up to date edition of the American Standard For Nursery Stock(ANSIZ60.1) as produced by the American Association of Nurserymen; Washington, D.C.
  - b. Work performed in accordance with Landscape Specifications Guidelines 4thEdition as produced by the Landscape Contractors Association (LCA.) of Maryland, District of Columbia and Virginia; Gaithersburg, Maryland.(P&Z)

Parks & Recreation (Arborist):

- F-1. Unless the overhead utilities are to be removed, the proposed shade trees along Duke Street are not appropriate as they will grow to interfere with the wires.

Police Department:

- F-1. Lighting diagram was not included with the site plan.

Virginia American Water:

No comment.

JF

APPLICATION for  
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN  
DSUP # 2001-0016

PROJECT NAME: Crown Stations, Inc.

PROPERTY LOCATION: 4109 Duke Street

TAX MAP REFERENCE: 60.01-01-02 ZONE: CC

APPLICANT Name: Erika L. Byrd, Esquire - Agent

McGuireWoods LLP  
Address: 1750 Tysons Blvd., Suite 1800, McLean, VA 22102

PROPERTY OWNER Name: Crown Stations, Inc.

c/o McGuireWoods LLP  
Address: 1750 Tysons Blvd., Suite 1800, McLean, VA 22102

SUMMARY OF PROPOSAL: Request for extension of time and clarification  
of existing DSUP 2000-0007 approved by City Council on June 17, 2000

MODIFICATIONS REQUESTED: See attached narrative

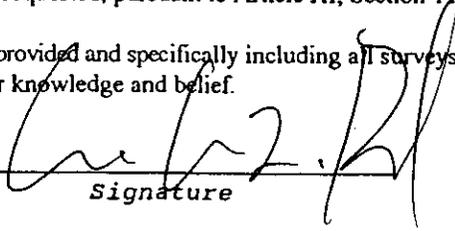
SUP's REQUESTED: See attached narrative

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of Title 7, Chapter 5 of the Code of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Erika L. Byrd, Esquire  
Print Name of Applicant or Agent  
McGuireWoods LLP  
1750 Tysons Blvd., Suite 1800  
Mailing/Street Address

  
Signature  
(703) 712-5480 (703) 712-5488  
Telephone # Fax #

McLean, VA 22102 July  
City and State Zip Code Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: \_\_\_\_\_ Received Plans for Completeness: \_\_\_\_\_  
Fee Paid & Date: \$ \_\_\_\_\_ Received Plans for Preliminary: \_\_\_\_\_  
Legal Advertisement: \_\_\_\_\_ Property Placard: \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

CROWN STATION - DUKE ST

## NARRATIVE DESCRIPTION

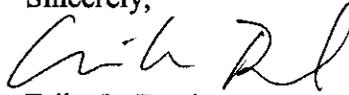
### Request for Extension of Time and Clarification of Development Special Use Permit 2000-0007

#### BACKGROUND:

In its original application, Crown Stations, Inc. (the "Applicant") requested approval of a development special use permit, with site plan, to renovate the existing Crown service station located at 4109 Duke Street. The proposal included the construction of a small convenience store, the replacement, relocation, and addition of fuel dispensers, a parking reduction, and a request to allow outdoor sales/displays. DSUP 99-0036 was ultimately approved by City Council on June 17, 2000, after extensive deliberations between the Applicant and Staff regarding specific conditions of approval and site plan layout. However, a disagreement between the Applicant and Staff over the approved site plan has, subsequent to City Council approval, arisen. Therefore, the Applicant respectfully requests an extension of time and a review to clarify the DSUP Special Use Permit 2000-0007 with regard to the site's frontage configuration.

It is for these reasons that Crown respectfully requests a time extension and clarification of the approved site configuration of DSUP #2000-0007.

Sincerely,



Erika L. Byrd  
Agent for the Applicant

\\REA\68165.1

DALECREST SECTION TWO

LOT 23

LOT 24

ZONE R-3  
USE RESIDENTIAL

800-0-0-27  
NORTHVA AREA LAND TRACT NO  
ALEXANDRIA VA 22304  
ZONE CC  
USE COMMERCIAL

EX 4 ASSE  
PROVAIL  
TRCE



N F ROSIE  
LOT 5044-0-1  
DEED BOOK 544 PG 501

**APPROVED**  
SPECIAL USE PERMIT NO. \_\_\_\_\_  
NUMBER OF PAGES: 6 SHEETS

DATE RECORDED \_\_\_\_\_

DUKE STREET ROUTE 236  
VARIABLE WIDTH  
NEW HORIZONTAL SIGN

DSUP 2001-0016

13

AUG 23 2001



CROWN SERVICE STATION VA-8  
4101 DUKE STREET  
ALEXANDRIA, VA

SPECIAL USE PERMIT PLAN

DATE: 7-20-01  
SCALE: 1"=20'  
DRAWN BY: J.S.  
CHECKED BY: J.S.  
DATE: 08/01/01  
PROJECT NO: 000123  
SHEET NO: 6 OF 6  
C-09

SECTION 1 NORTHVA AREA LAND TRACT NO ALEXANDRIA VA 22304	SECTION 2 NORTHVA AREA LAND TRACT NO ALEXANDRIA VA 22304	SECTION 3 NORTHVA AREA LAND TRACT NO ALEXANDRIA VA 22304	SECTION 4 NORTHVA AREA LAND TRACT NO ALEXANDRIA VA 22304	SECTION 5 NORTHVA AREA LAND TRACT NO ALEXANDRIA VA 22304	SECTION 6 NORTHVA AREA LAND TRACT NO ALEXANDRIA VA 22304	SECTION 7 NORTHVA AREA LAND TRACT NO ALEXANDRIA VA 22304	SECTION 8 NORTHVA AREA LAND TRACT NO ALEXANDRIA VA 22304	SECTION 9 NORTHVA AREA LAND TRACT NO ALEXANDRIA VA 22304	SECTION 10 NORTHVA AREA LAND TRACT NO ALEXANDRIA VA 22304
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McGuireWoods LLP  
1750 Tysons Boulevard  
Suite 1800  
McLean, VA 22102  
Phone: 703.712.5000  
Fax: 703.712.5050  
www.mcguirewoods.com

Erika L. Byrd  
Direct: 703.712.5480

McGUIREWOODS

✓ JULY 2001-0015  
CROWN - J.D. Hy.

DSUP 2001-0016  
CROWN - DUKE ST



October 4, 2001

VIA FACSIMILE AND REGULAR MAIL

Ignacia Britto Pessoa, Esquire  
City Attorney  
301 King Street, Suite 1300  
Alexandria, Virginia 22314

Re: Correction of the Record for Crown Petroleum Stations located at 4109 Duke Street and 3216 Jefferson Davis Highway (DSUP #99-0036 and DSUP #2000-0007)

Dear Mr. Pessoa:

Several months ago I submitted for your review a video tape with a corresponding written transcript of the approvals granted on June 17, 2000 for the above referenced Crown Petroleum Service Station DSUP's. It is our belief that the City's record for the Duke Street site is erroneous.

The first issue relates to a sketch of the site that was distributed to all of the City Council members as well as staff with modified conditions. The sketch was discussed at the hearing and is important because it constituted the agreed upon site configuration between staff and the applicant. We believe that it was erroneously excluded from the official record, and constitutes part of what City Council approved – specifically the approved site configuration.

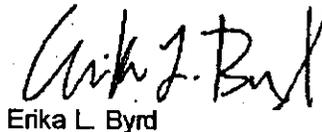
The second issue is the correct condition language for condition 10. That condition was modified from what Staff and the applicant agreed upon by the Planning Commission at the request of the neighborhood. City Council, in its motion, voted to approve the conditions recommended by the Planning Commission with specific changes to specific conditions submitted by the applicant. I believe that the conditions submitted by the applicant were included as the official City record and do not incorporate changes to condition 10 made by the Planning Commission. Based on the public hearing, therefore, the sketch should be inserted as part of the public record and approval, and condition 10 should be revised to reflect what was recommended by the Planning Commission and adopted by the Council.

The DSUP applications are pending before the City for a time extension because of the delay in the processing of the engineered site plans for these two sites. We expect to have staff reports within the next couple of weeks and the hearings on these extension requests will be on November 8 at the Planning Commission and November 17 at City Council. We believe it is imperative that the City's record be corrected prior to the staff report being issued. Please let me know at your earliest convenience your concurrence with our research on the matter of correcting the record for the above referenced cases. If you have questions or would like to

October 4, 2001  
Page 2

discuss this matter, we would be happy to meet with you. Please call me at your convenience to arrange a mutually agreeable meeting time at 703-712-5480.

Sincerely,



Erika L. Byrd

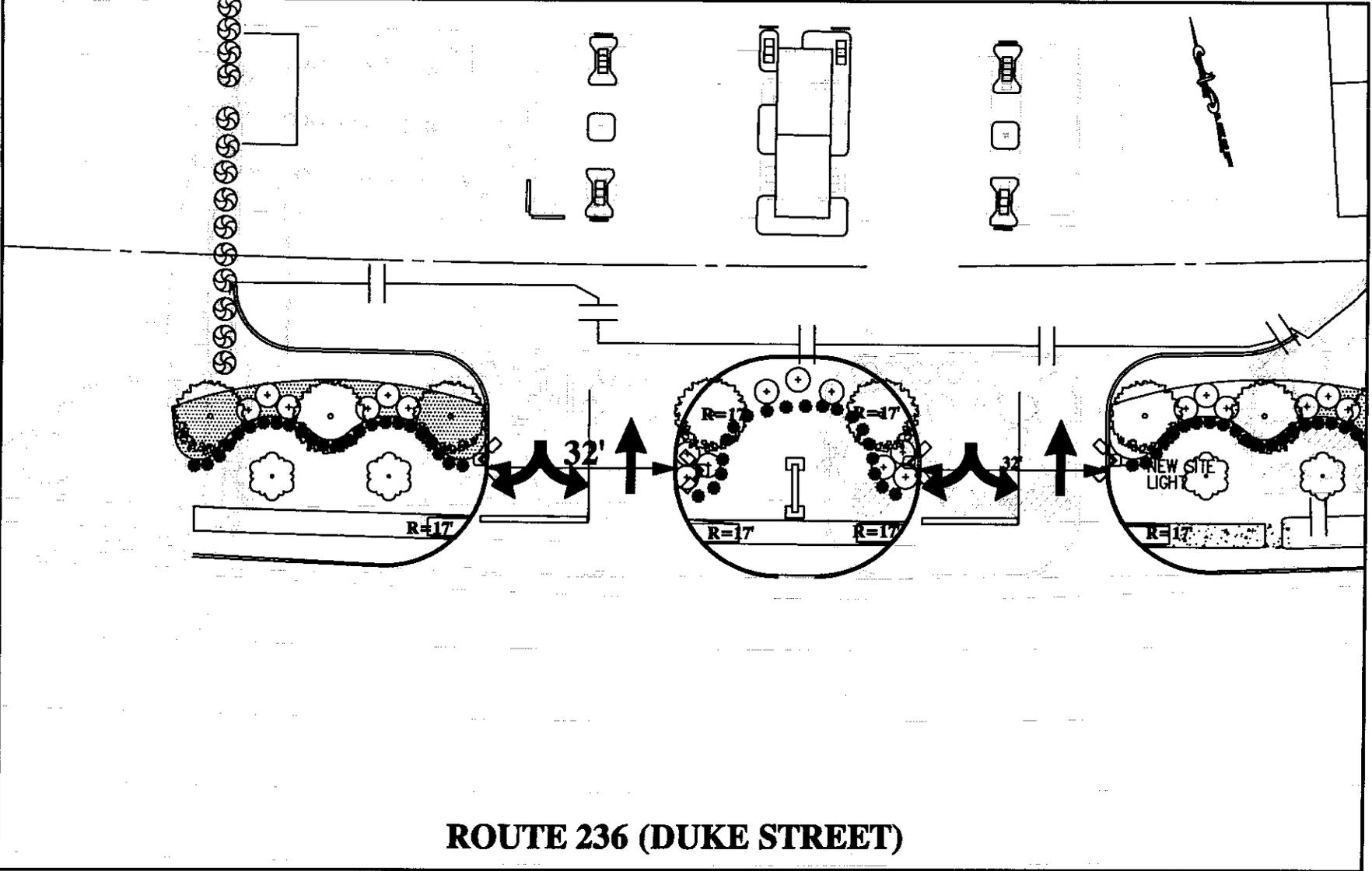
ELB/ep

cc: Jeff Farmer, Crown Central Petroleum Corporation  
Richard Baier, Director of Transportation and Environmental Services  
Anthony M. Williams, Crown Central Petroleum Corporation  
Douglas Johnson, Crown Central Petroleum Corporation  
John Sousser, Ad-Tek  
C. Lee Fifer, Jr., Esquire, McGuireWoods LLP  
Jonathan P. Rak, Esquire, McGuireWoods LLP

\\REA\75502.1

DATE LAST MODIFIED: 10/12/01

View Number: 1



### ROUTE 236 (DUKE STREET)

**Figure 2**  
Proposed Entrance Width to the Duke Street  
Crown Service Station VA-8 (32 feet)  
Scale: 1"=25'

16

DSUP 2001-0016

Docket Item # 41-A  
DEVELOPMENT SPECIAL USE PERMIT #2000-0007  
CROWN SERVICE STATION

Planning Commission Meeting  
June 6, 2000

**ISSUE:** Consideration of a request for a development special use permit, with parking reduction, to renovate an automobile service station, construct a convenience store kiosk, replace and relocate the fueling dispensers, and to permit outdoor sales/display.

**APPLICANT:** Crown Stations Inc.  
by Carson Lee Fifer, Jr., attorney

**LOCATION:** 4109 Duke Street

**ZONE:** CC/Community-Commercial

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**CITY COUNCIL ACTION, JUNE 17, 2000:** City Council approved the Planning Commission recommendation, and changed condition no. 16 to read as follows:

16. The existing freestanding sign shall be replaced with a sign no taller than 8 feet and no larger than 75 square feet prior to the issuance of an occupancy permit for the convenience store kioske.

Councilman Speck questioned staff with respect to landscape requirements that if the City requires a landscaping plan shouldn't there be a requirement that they must maintain it?

Deputy Planning and Zoning Director Ross stated that there is a requirement under the site plan ordinance that all landscaping be maintained.

Councilman Speck suggested that staff might want to include routine language requiring maintenance of landscaping in the future.

Ms. Byrd, attorney for the applicant, represented that they had no objection with the suggestion.

**PLANNING COMMISSION ACTION, JUNE 6, 2000:** On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission recommended approval of the request, subject to all applicable codes and ordinances and the staff recommendations, and with an amendment to condition #16 and the addition of condition #24. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff recommendation, but adjusted the condition related to the permitted sign area to allow more sign area if necessary to meet City Code requirements and added a requirement to pick up litter at and around the site.

Note: The maximum freestanding sign is 50 square feet, including the required price signs.

Speakers:

Erika Byrd, representing Crown Stations.

**PLANNING COMMISSION ACTION, MAY 4, 2000:** By unanimous consent, the Planning Commission deferred the request.

Reason: The applicant requested the deferral.

**STAFF RECOMMENDATION:**

Staff recommends **approval** of the special use permit for the proposed convenience store and automobile service station 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. (SUP 1993)
2. No abandoned, junked or unlicensed vehicles shall be stored on the premises at any time. (PC/CC 9/73)
3. No automobile repair work shall be done on the premises at any time. (P&Z)
4. There shall be no stacking or parking of vehicles on the public right-of-way in front of the station at any time. (PC/CC 9/73)
5. No banners, streamers, or similar advertising devices shall be displayed on the premises. (PC/CC 9/73)
6. That all lights be directed onto the property so as not to interfere with street traffic or adjacent properties. (PC/CC 9/73)
7. The business shall be permitted to operate twenty-four hours a day, seven days a week as requested by the applicant. (P&Z)
8. The applicant shall not sell alcoholic beverages. (Police)
9. The sales from the convenience store shall be limited to prepackaged items such as cigarettes, candy, gum, soda etc. (P&Z) (Police)
10. No outdoor display/sales shall be permitted except that:
  - a. limited amounts of small automotive products, such as oil, lube and window-washing fluid, shall be permitted provided they are placed directly against the kiosk building.
  - b. no more than six soda vending machines shall be permitted provided they are placed at the rear of the site, against the undeveloped northern portion of the site. (P&Z)

11. No amplified sound shall be generated by the use or audible at the property line. (P&Z)
12. The existing one-story building on the northern portion of the property shall only be utilized as incidental storage. (P&Z)
13. The applicant shall close one of the three curb cuts and shall replace it with curbing, open space, landscaping, and a 4 ft. wide concrete sidewalk to connect with sidewalks on adjacent properties to the satisfaction of the Directors of P&Z and T&ES. The applicant may relocate the two existing curb-cuts to the satisfaction of the Directors. (P&Z)
14. Provide a revised landscaping plan to the satisfaction of the Directors of P&Z and RPCA. At a minimum, the revised landscape plan shall provide the following additional plantings:
  - a. Seven Yoshino cherry trees planted twenty foot on-center adjacent to Duke Street.
  - b. Evergreen shrubs shall be provided to fill gaps in the existing landscaping to create an evergreen hedge adjacent to Duke Street. (P&Z)(Arborist)
15. Trees shall not be planted under or near light poles. (Police)
16. The existing freestanding sign shall be replaced with a sign no taller than 8 feet and no larger than 75 square feet prior to the issuance of an occupancy permit for the convenience store kiosk. (City Council)
17. All signage not permitted by the zoning ordinance shall be removed from the site prior to the release of a building permit for any improvements to this site. (P&Z)
18. The final site plan shall not be released and no construction activity shall take place until the following has been submitted and approved by the Directors of Health and T&ES:
  - a. Submit a Site Characterization Report/Extent of Contamination Study detailing the location, the contaminants, and the estimated quantity of any contaminate soils and/or groundwater at or in the immediate vicinity of the proposed site.
  - b. Submit a Risk Assessment plan indicating any risks associated with the contamination.
  - c. Submit a Remediation Plan detailing how any contaminated soils and/or groundwater will be dealt with, including plans to remediate utility corridors. "Clean" backfill shall be used to fill the utility corridors.

- d. Submit a Health and Safety Plan indicating measures to be taken during any remediation and/or construction to minimize the potential risks to workers, the neighborhood, and the environment. (T&ES)(Health)
19. The applicant shall provide a building security survey and a robbery awareness program for all employees. The Crime Prevention Unit of the Police Department is to be consulted on security hardware for the building prior to construction. The lighting in the parking lots is to be minimum of 2.0 foot candle minimum maintained. (Police)
20. The applicant shall attach a copy of the final released site plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the final released site plan prior to review and approval of the building permit by the Departments of Planning and Zoning and Transportation and Environmental Services. (P&Z)
21. 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, 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)
22. The developer shall make cash contributions to the Housing Trust Fund in the amount of \$.50 per gross square floor, payable before receipt of the certificate of occupancy. (Housing)
23. 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. (PC)
24. Condition deleted. (DSUP 00-0007)
25. Condition deleted. (DSUP 00-0007)
26. Condition deleted. (DSUP 00-0007)
27. Condition deleted. (DSUP 00-0007)
28. Condition deleted. (DSUP 00-0007)
29. Condition deleted. (DSUP 00-0007)

**Special use permits and modifications requested by the applicant and recommended by staff:**

1. Special Use Permit for an Automobile Service Station.
2. Special Use Permit for a Convenience Store.
3. Special Use Permit for Outdoor Display/Sales (as limited by the SUP conditions).
4. Special Use Permit for Parking Reduction.
5. Modification to the required 60 ft. highway setback for the freestanding sign.

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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.

**BACKGROUND**

The applicant, Carson Lee Fifer, Jr., Esq. for Crown Stations, Inc., is requesting approval of a development special use permit, with site plan and modifications, to expand the existing Crown service station and car wash operation at 4109 Duke Street to add a small convenience store and to replace and relocate the fuel dispensers under the existing canopy structure. The proposal includes a request for a parking reduction and a request to allow outdoor displays/sales. In conjunction with the development special use permit, the applicant has also submitted an encroachment application (ENC # 2000-02) for existing signs and other structures located within city right-of-way along the frontage of the property.

The subject property is a 45,190 sq. ft.(1.03 acres) lot of record with frontage on Duke Street. The adjoining uses include residential (townhouses, single-family) uses and low intensity commercial uses such as restaurants, dry cleaners, and offices.

On September 11, 1973, City Council granted SUP# 923 to Crown Station to develop the site as a gasoline station, including an automated car wash. In 1984, the applicant was denied a special use permit (SUP #1652) to enlarge the island kiosk for the sale of convenience store merchandise. On June 2, 1987, the City Council granted SUP#1993, to make alterations to the existing service station (new fuel dispensers, freestanding sign, replacement of car wash equipment and replacement of the exiting kiosk); the Crown station is currently operating under SUP #1993.

On July 2, 1999, the applicant received a zoning violation notice for outdoor sales/display, a violation of SUP#1993 (condition # 8). The station was cited for outdoor display and storage violations, including storage and display of both automotive and non-automotive products, at various locations on the site. A second citation was issued for continued and increased outdoor sales/display on April 13, 2000.

This proposed application was generated in response to these City enforcement actions. In response to the citation, the applicant initially filed an extensive development plan for site improvements, including construction of a larger convenience store and replacement of the car-wash facility. Since that initial submission, the applicant has revised the application numerous times, and the request now before the City proposes more modest changes to the existing operations, to include construction of a larger (but still very small 252 sq.ft.) kiosk building, the replacement of all gasoline dispensers, with the dispensers being relocated to accommodate the new kiosk and with diesel fuel being added as a fuel choice on four of the ten dispensers. The applicant also seeks to legitimize outdoor storage and display activities on the site, through the approval of the special use permit.

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**Proposed Development**

The applicant is requesting approval to construct a 254 sq. ft. kiosk structure under the existing canopy that will be utilized for a very small convenience store operation and cashier center for the service station. The applicant has stated that the convenience store will offer a limited amount of prepackaged food and will not include the sale of alcoholic beverages. The proposed hours of operation of the gas station/convenience store will be seven-days a week, twenty-four hours a day, the current hours of operation of the gas station.

The applicant is also requesting approval to replace and relocate the fuel dispensers. The total number of dispensers will not increase beyond the ten existing dispensers. However, four regular fuel dispensers on the northern portion of the canopy will be expanded to include diesel fuel, which may increase on-site truck traffic and circulation. Two other dispensers are being relocated to accommodate the larger kiosk being proposed.

**Zoning**

The subject property is within the "CC" Community-Commercial zone. Sec. 4-203(a) and Sec.4-203(c) of the zoning ordinance permit an automobile service station and convenience store within the CC zone as a special use. Sec.4-207(A)(2) states "all operations including storage, shall take place within a completely enclosed building, except: ...(2) For uses that require a special use permit, the permit may authorize outdoor display for sales." The applicant is requesting that outdoor display/sales be permitted surrounding the proposed convenience store under the special use permit.

A summary of the zoning characteristics for the project are shown on the following page.

PROJECT: CROWN STATION		
Property Address:	4109 Duke Street	
Total Site Area:	45,190 sq. ft. (1.03 acres)	
Zone:	C-C/Community-Commercial	
Current Use:	Automobile service station and automated car wash.	
Proposed Use:	Automobile service station, car wash, convenience store and outdoor sales/display.	
	<u>Permitted/Required</u>	<u>Proposed</u>
F.A.R.	.50 (22,195 sf.)	2,760 sf.(canopy) 1,025 sf(ex. car-wash bldg.) <u>2,624 sf</u> (ex. one-story storage bldg.) 6,409 sf. Total (.29 FAR)*
Yards	None	N/A
Height	50 feet	20 ft. (ex, canopy)
Open Space	None	N/A
Parking	2 Retail (1.2 sp./200 sf). 6 Carwash (1.2 sp./200 sf) <u>10 Auto-Service (1 sp./pump)</u> 18 total spaces  1 loading space	7 standard spaces <u>1 handicap space</u> 8 total spaces ( <b>Reduction Requested</b> )  1 loading space

\* The enlarged kiosk does not increase the floor area because it, and the smaller kiosk it replaces, are under the canopy, and the entire area under the canopy counts as floor area in either case.

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### **STAFF ANALYSIS**

Staff has no objection to the proposed physical changes on the site, which are part of a larger remodeling/improvement program that should improve the appearance of the use. Staff does object to the proposed outdoor storage and display.

### **Replacement and Relocation of Fuel Pumps**

The replacement and relocation of the pumps on the site will cause little change to the circulation on the site, but it may increase the volume of traffic into the site, because more fuel choices will be provided at each pump and because diesel fuel is being added as a selection. The applicant has estimated a 25% increase in the volume of trips to the site as a result of the improvements. Replacing two of the gasoline dispensers with diesel dispensers will attract more truck traffic into the site, but the applicant has stated that most of the truck traffic is expected to be vans and small trucks, and that the volume should not be significant (10/day). The remainder of the diesel business is anticipated to be from automobiles.

### **Outdoor Display and Sales**

The enlargement of the kiosk to sell convenience items should not increase the intensity of the use, because the convenience items are already being sold at the site, from outdoor displays. Although the proposed larger building is intended to provide space to remedy the outdoor storage and display violations, the applicant is also requesting approval of outdoor sales/display adjacent to the proposed convenience store to display miscellaneous items such as non-alcoholic beverages, wood chips, firewood, automotive uses (oil, window wash fluid etc.) and other seasonal items.

The zoning ordinance specifically prohibits outdoor display/sales within the CC/Community Commercial zone, and other general commercial zones, unless the outdoor display/sales are approved as part of a special use permit for the use. Staff has recently undertaken a comprehensive review of service stations in the City to bring them into compliance with the zoning ordinance. The standard used by staff in this review was to allow only very limited quantities of automotive supplies (i.e. oil, lube, window-washer fluid) to be located outdoors and then only if located under the canopy and against the building. Staff supports allowing this minimal amount of outdoor display and sales.

Staff does not support the special use permit request to authorize outdoor display/sales beyond the minimal level permitted at all other stations. Overall, staff believes that outdoor display/sales have a tendency to have a detrimental effect on the appearance of a site and may also impact circulation. Outdoor displays also raise issues of signage, because in many instances the goods being displayed in fact function as signage. In the case of service stations, which already tend toward a proliferation of signage, outdoor displays often serve to exacerbate the visual clutter of the site. If the applicant

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wishes to display and sell other goods on this site, then the applicant should revisit its plans and construct a larger building, in order to accommodate the additional goods.

### **Duke Street Curb Cuts**

This property has three curb cuts, each 28'-29' wide, adjacent to Duke Street along the property's 200' frontage. The excessive amount of curb cuts results in a loss of open space and landscaping adjacent to Duke Street and numerous interruptions of the sidewalk along Duke Street, and creates some circulation confusion into and out of the site. Staff is recommending that the applicant be required to close one of the three curb cuts at this service station in conjunction with the proposed improvements. An approximately 25' wide strip of land was dedicated to the City for right-of-way in front of this property in 1974 that was a requirement of SUP# 923. The right-of-way provides a landscape area in front of the service station between the curb-cuts. If one of the station's curb-cuts is closed a significant amount of additional open space and landscaping can be provided along Duke Street.

### **Landscaping**

In conjunction with this proposal, the applicant is proposing to provide some additional landscaping-both trees and shrubbery-along Duke Street, primarily within the area that is public right-of-way. Staff is recommending the provision of some additional evergreen plantings in this area. The evergreen plantings will screen portions of the parking area and fuel bays from the Duke Street and will also minimize the projection of headlights onto the adjoining street. Staff is also recommending the applicant coordinate with staff to replace plantings to fill gaps in the existing landscaping. The increased landscaping should enhance this segment of Duke Street.

### **Parking**

A parking reduction is proposed in conjunction with this application. The existing station is noncomplying with respect to parking, but because the value of the improvements proposed exceeds one-third the value of the existing station, Sec. 8-200(F)(4)(a) of the zoning ordinance requires provision of parking sufficient to meet today's code requirements. In addition, the slightly larger kiosk building increases the parking requirements by one space. A total of 18 parking spaces are required for the proposed uses by the zoning ordinance; 8 are proposed. Staff has no objection to the proposed parking reduction. Although they do not technically count as parking spaces, the 10 spaces at the fuel dispensers and the 8 stacking spaces for the car-wash serve as parking spaces for most patrons of the station. The 8 proposed spaces should provide more than sufficient parking for the employees of the station and for the occasional patron who is not purchasing gas or utilizing the car-wash. Provision of additional parking would eliminate existing landscaping or open space and would possibly hinder site circulation.

Signage

Another issue raised by this application is signage. There are some illegal signs on the site, including a sign attached to a light-pole along the frontage of the property, within the public right-of-way. In order to increase compliance of all signage with the zoning ordinance, staff is including a condition in the special use permit that all signs not permitted by the zoning ordinance be removed prior to the issuance of any building permits for the improvements.

The Crown station's freestanding sign, its main sign, is located within the City right-of-way, along with other structures, including light-poles, a monitoring well and public telephones. The sign and the other structures were authorized by a SUP amendment for alterations to the service station approved in 1987. The site plan prepared by the engineer for that amendment incorrectly depicted the front property line, resulting in the sign and other structures being located within the right-of-way.

The applicant proposes no changes to the pylon sign at this time, and has filed an encroachment application in order to allow the sign, and other structures, to remain within the right-of-way. Staff would not support allowing a new sign within the right-of-way. In this case, the sign already exists and it does not *appear* to be within the right-of-way to the passerby, because the right of-way widens only in front of this property. On the other hand, the city has been encouraging a reduction in the size and height of signs along Duke Street as the most important action to reduce the visual clutter and improve the appearance along Duke Street. Therefore, staff is recommending that the existing freestanding sign be replaced with a sign no greater than 15' in height, which is consistent with the height of other freestanding signs recently approved along Duke Street.

STAFF: Sheldon Lynn, Director, Department of Planning and Zoning.  
Kimberley Johnson, Chief, Development.  
Jeffrey Farner, Urban Planner.

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CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 Bond for the public improvements must be posted prior to release of the plan.
- C-2 All easements and/or dedications must be recorded prior to release of the plan.
- C-3 All utilities serving this site to be underground.
- C-4 Provide site lighting plan. Show all existing and proposed street lights and site lights. Indicate the type of fixture and show mounting height and strength of fixtures in Lumens and Watts. Provide manufacturer's specifications for the fixtures. Provide lighting calculations to verify that lighting meets City standards.

Code Enforcement:

- C-1 All pumps shall be within the line of sight from the attendants work station
- C-2 Show the location of the emergency shut-off.
- C-3 Provide an updated spill prevention plan.
- C-4 A separator or equipment device shall be provided to prevent flammable liquids from entering the sewer system.
- C-5 A fire prevention permit is required for the altering of the dispensing system.
- C-6 Construction permits are required for the proposed alterations. Full detailed plans shall accompany the permit application.

Citizens Assistance:

- C-1 The applicant must comply with Sec. 9-7-7(a-f) of the City Code that specifies the requirements for the display of gasoline prices by retail gasoline dealers in the City.

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Health Department:

- C-1 The operation of equipment including vacuums, must comply with Title 11, Chapter 5, the Noise Control Code, which sets the maximum permissible sound level at this property.
- C-2 An Alexandria Health Department is required for all regulated facilities.
- C-3 Five sets of plans are to 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 plan review of food facilities.
- C-4 Permits shall be obtained prior to construction.
- C-5 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-6. Certified Food Managers must be on duty during all hours of operation.

Historic Alexandria (Archaeology):

- F-1. Previous ground disturbance and low potential for significant archeological resources to be disturbed. No action required.

Office of Housing:

No comment.

Planning & Zoning:

- C-1. Pursuant to Sec.6-403 of the Zoning Ordinance requires all rooftop units to be concealed by or constructed of exterior architectural materials or features of the same type of quality used on the exterior walls of the main building in question.
- C-2. All proposed signs must comply with all applicable provisions of the Zoning Ordinance,
- C-3. The applicant shall provide a landscape plan in accordance with the City of Alexandria Landscape Guidelines, which shall include:
  - a. Plan specifications in accordance with the current and most up to date edition of the American Standard For Nursery Stock(ANSIZ60.1) as produced by the American Association of Nurserymen; Washington, D.C.

- C-3. (cont.) b. Work performed in accordance with Landscape Specifications Guidelines 4th Edition as produced by the Landscape Contractors Association (LCA.) of Maryland, District of Columbia and Virginia; Gaithersburg, Maryland.(P&Z)

Parks & Recreation (Arborist):

- F-1. Unless the overhead utilities are to be removed, the proposed shade trees along Duke Street are not appropriate as they will grow to interfere with the wires.

Police Department:

- F-1. Lighting diagram was not included with the site plan.

Virginia American Water:

No comment.

JF

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APPLICATION for  
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN  
DSUP # **2001-0016**

PROJECT NAME: Crown Stations, Inc.

PROPERTY LOCATION: 4109 Duke Street

TAX MAP REFERENCE: 60.01-01-02 ZONE: CC

APPLICANT Name: Erika L. Byrd, Esquire - Agent  
McGuireWoods LLP

Address: 1750 Tysons Blvd., Suite 1800, McLean, VA 22102

PROPERTY OWNER Name: Crown Stations, Inc.  
c/o McGuireWoods LLP

Address: 1750 Tysons Blvd., Suite 1800, McLean, VA 22102

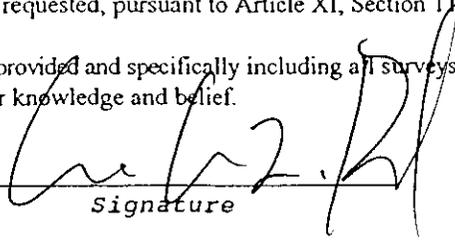
SUMMARY OF PROPOSAL: Request for extension of time and clarification  
of existing DSUP 2000-0007 approved by City Council on June 17, 2000

MODIFICATIONS REQUESTED: See attached narrative

SUP's REQUESTED: See attached narrative

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of Title 7, Chapter 5 of the Code of the City of Alexandria, Virginia.  
THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.  
THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Erika L. Byrd, Esquire  
Print Name of Applicant or Agent  
McGuireWoods LLP  
1750 Tysons Blvd., Suite 1800  
Mailing/Street Address  
McLean, VA 22102

  
Signature  
(703) 712-5480 (703) 712-5488  
Telephone # Fax #

City and State Zip Code Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: \_\_\_\_\_ Received Plans for Completeness: \_\_\_\_\_  
Fee Paid & Date: \$ \_\_\_\_\_ Received Plans for Preliminary: \_\_\_\_\_  
Legal Advertisement: \_\_\_\_\_ Property Placard: \_\_\_\_\_

ACTION - PLANNING COMMISSION: 11/08/01 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 11/17/01PH -- CC approved the Planning  
Commission recommendation.

CROWN STATION - DUKE ST