

Docket Item # 6
DEVELOPMENT SPECIAL USE PERMIT #2003-0038
Crown Station - Extension

Planning Commission Meeting
December 2, 2003

ISSUE: Consideration of a request for a development special use permit extension for a development special use permit to renovate a convenience store with a new sales kiosk.

APPLICANT: Crown Stations, Inc.
by Paul Encinas

LOCATION: 3216 Jefferson Davis Highway

ZONE: CSL/Commercial Service Low

SUMMARY:

The applicant, Crown Stations, Inc., is requesting an 18 month extension of a development special use permit to construct a kiosk, new signage, revised site circulation, and an increased number of pumps. The plan was originally approved on June 17, 2000 (DSUP #99-0036), with an 18-month extension granted December 15, 2001 (DSUP#2001-0015). The previous staff report is attached. Staff is recommending a six month extension.

BACKGROUND:

On June 17, 2000, City Council granted a request for a development special use permit with parking reduction to renovate the existing automobile service station, to construct a convenience store kiosk, replace and relocate the fueling dispensers and to permit outdoor sales and display (DSP# 99-00036). On December 15, 2001, City Council approved a request for an extension of the approved DSUP. (DSUP#2001-0015).

Each development site plan or development special use permit is allotted 18 months from City Council approval to undergo “substantial construction” before the approval expires. In the case of Crown Station, that expiration occurred on June 15, 2003, as substantial construction had not been completed. Although the approval was made in December 2001, the first final site plan was not received until October 2002, followed by a second final site plan in late February 2003. The third site plan submission was made in June 2003.

STAFF ANALYSIS:

Although staff generally does not recommend extensions, especially in cases such as this one where a previous extension has been granted, this case is unusual in that the final site plan has been reviewed and approved and the applicant was going to submit a building permit to begin construction. The applicant has demonstrated a willingness to complete the project. As the final site plan is already prepared, staff recommends the applicant be given a limited amount of time to complete “substantial construction.” The applicant is requesting an 18-month extension, which staff believes is excessive given the fact that the site plan has been approved by the City. Ideally, staff would recommend an extension of only several months. However, because of the weather and impacts on construction through the winter months, staff recommends granting a maximum of six(6) months to the applicant to complete substantial construction.

Staff is also recommending the addition of several new conditions of approval that are now standard conditions of approval primarily relating to stormwater management conditions. While these do not substantively change the plan, they are added as clarification of the current requirements. One of the recommendations that staff has added as part of this approval is to increase the width of the sidewalk on Jefferson Davis Highway from 4 ft. to 6 ft., which is consistent with the policy of the City to promote and enhance pedestrian circulation.

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed development special use permit application with the conditions outlined within the staff report.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Jeffrey Farner, Chief, Development;
Lorrie Pearson, Urban Planner.

STAFF RECOMMENDATION:

Staff recommends **approval** of the special use permit extension for the proposed automobile service station, convenience store and parking reduction 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. (PC/CC 6/87) (City Council)
2. No abandoned, junked or unlicensed vehicles shall be stored on the premises at any time. (PC/CC 6/87)(City Council)
3. No automobile repair work shall be done on the premises at any time. (P&Z) (City Council)
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 6/87) (City Council)
5. No temporary banners, streamers, or similar advertising devices shall be displayed on the premises. (PC/CC 6/87) (City Council)
6. That all lights be directed onto the property so as not to interfere with street traffic. (PC/CC 6/87) (City Council)
7. The business shall be permitted to operate twenty-four hours a day, seven days a week as requested by the applicant. (P&Z) (City Council)
8. The applicant shall not sell alcoholic beverages. (Police) (P&Z) (City Council)
9. The sales from the convenience store shall be limited to prepackaged items such as cigarettes, candy, coffee, gum, soda, etc. (P&Z) (Police) (City Council)
10. No outdoor display/sales shall be permitted except that:
 - a. Limited amounts of automotive products (oil, lube, window-washing fluid) and soda vending machines shall be permitted provided they are placed directly against the kiosk building. (P&Z) (PC) (City Council)
11. No amplified sound shall be generated by the use or audible at the property line. (P&Z) (City Council)

12. The width of the curb cuts, radius and flaring shall be consistent with the attached rendering prepared by Gorove/Slade Associates dated 10-18-01. 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. The City right-of-way shall not be vacated and shall be maintained as landscaped open space. Crown shall be responsible for the installation and maintenance of all landscaping within the 20 foot strip in lieu of providing their own six foot minimum landscape strip along the City right-of-way. (P&Z) (T&ES)
13. Condition deleted. (DSUP 2001-0015)
14. A revised landscaping plan shall be provided to the satisfaction of the Directors of P&Z and RP&CA. At a minimum, the revised landscape plan shall provide the following additional landscaping:
 - a. Leyland Cypress planted on the western property boundary with a minimum spacing of four feet and a minimum height of eight feet at the time of planting.
 - b. The spacing of the evergreen hedge adjacent to Jefferson Davis Highway shall be a maximum spacing of 18 inches to ensure a dense evergreen hedge within the City right-of-way
 - c. Shade trees planted 30-35 feet on-center along both Jefferson Davis Highway and Evans Lane. The trees shall generally be located a minimum of fifteen feet from the overhead utilities and shall be a minimum 4" caliper.
 - d. The applicant shall be required to provide the amount and quality of landscaping as generally depicted on the landscape plan prepared by Adtek Engineering labeled Figure No.2 of the staff report.
15. 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 the site. (P&Z) (City Council)
16. The applicant shall replace the existing freestanding sign with a sign no greater than six feet in height and 50 square feet prior to the issuance of an occupancy permit for the convenience store kiosk. (P&Z)
17. The applicant shall attach a final copy of the final released site plan to each building permit document application and be responsible for ensuring 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) (City Council)

18. The applicant is to consult with the Crime Prevention Unit of the Alexandria Police Department regarding locking hardware and alarms for the business. This is to be completed prior to the commencement of construction. Robbery awareness program shall be required for all employees. (Police) (City Council)
19. **(REVISED CONDITION)** The current use of the site and the fact that VADEQ has a closed case (#93-1850) 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 contaminated soils and/or groundwater at or in the immediate vicinity of the proposed site.
 - b. Submit a risk assessment 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. This plan must be included in the Final Site Plan.
 - 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)
20. Certified food managers must be on duty during all hours of operation. (Health) (City Council)
21. The developer shall make cash contributions to the Housing Trust Fund in amount of \$ 0.50 per gross floor area payable before receipt of the Certificate of Occupancy. (Housing) (City Council)
22. An updated Spill Prevention and Control Plan shall be submitted to Code Enforcement for review and approval. (Code) (City Council)
23. Show existing and proposed street lights and site lights and indicate the type of fixture and show mounting height and strength of fixture and lumens or watts. Also, provide manufacturers’ specifications for the fixtures. Provide lighting calculations to verify that lighting meets City standards. Provide site lighting plan. Lighting shall be shielded to prevent excessive spillover lighting and glare onto adjacent properties. (T&ES)
24. Lighting for the entire lot is to be a minimum two-foot candles minimum maintained. (Police) (City Council)
25. Applicant shall make all repairs to curb, sidewalks and driveway aprons in the right-of-way, such as the broken concrete at the entrance to Evans Lane, south entrance on Jefferson Davis Highway and sidewalk on Jefferson Davis Highway, to the satisfaction of the Director of T&ES. (T&ES) (City Council)

26. That all existing underground tanks be approved by the Fire Marshal or replaced. (T&ES) (SUP 1994) (City Council)
27. That the kiosk not be used for sale of food items, sodas, or similar type grocery items. (Fire) (SUP 1994) (City Council)
28. 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)
29. No pay phones shall be located on the premises, unless limited to outgoing calls only. (PC)
30. Lighting levels at the station shall not exceed those approved on the plan for the Exxon Station further south on Jefferson Davis Highway. (PC)
31. Provide a phased erosion and sediment control plan consistent with grading and construction. (T&ES)
32. The applicant shall comply with the Alexandria Best Management Practices manual for automotive related industries. (T&ES)
33. New Driveway entrances shall be City standard CSES-1, Industrial at 9 inch thickness. The widening/patching of existing aprons will be keyed or doweled, provide details on the final site plan. Label the width of all driveway entrances, both existing and proposed on the final site plan. (T&ES)
34. **(REVISED CONDITION)** The applicant shall provide a surface such as stamped concrete, brick pavers or stamped asphalt across the two curb cuts on Jefferson Davis Highway to provide an uninterrupted sidewalk. The applicant shall be responsible for maintenance of the crossings. 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)
35. **(NEW CONDITION)** Revise plans to reflect proposed lighting on encroachment application (ENC #2003-00003). (P&Z)
36. (NEW CONDITION) Developer to comply with the peak flow requirements of Article XIII of the Alexandria Zoning Ordinance.(T&ES)
37. (NEW CONDITION) The site is located in the Four Mile Run Watershed, Zone C. Provide a stormwater management narrative that describes how the project will comply with the stormwater quantity and quality requirements of Article XIII of the Zoning Ordinance. Include the pre and post development, two, ten and one hundred year storm

water computations for the entire site.(T&ES)

38. (NEW CONDITION) Applicant shall provide \$850/ea to the Director of T&ES for the purchase and installation of two (2) City standard street cans along the public streets.(T&ES)
39. **(NEW CONDITION)** The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard.(T&ES)
40. **(NEW CONDITION)** Plan must demonstrate to the satisfaction of the Director of T&ES that adequate stormwater outfall is available to the site or else developer is to design and build any on or off site improvements to discharge to an adequate outfall.(T&ES)
41. **(NEW CONDITION)** All driveway entrances and sidewalks in public ROW or abutting public ROW shall meet City standards.(T&ES)
42. **(NEW CONDITION)** Replace existing curb and gutter, sidewalks and handicap ramps that are in disrepair or broken.(T&ES)
43. **(NEW CONDITION)** Show all existing and proposed easements, both public and private.(T&ES)
44. **(NEW CONDITION)** Provide a six (6) foot sidewalk along the frontage of the site on Jefferson Davis Highway (U.S. Rte.1).(T&ES)
45. **(NEW CONDITION)** Prior to release of the final site plan, provide a Traffic Control Plan for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes and storage and staging.(T&ES)
46. **(NEW CONDITION)** All Traffic Control Device design plans, work Zone Traffic control plans, and Traffic Studies shall be sealed by a professional engineer, registered in the Commonwealth of Virginia.(T&ES)
47. **(NEW CONDITION)** The stormwater Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design professional or his designated representative. Prior to release of the performance bond, the design professional shall submit a written certification to the Director of T&ES that the BMPs are:
 - A. Constructed and installed as designed and in accordance with the approved Final Site Plan.
 - B. Clean and free of debris, soil, and litter by either having been installed or brought into service after the site was stabilized.(T&ES)

48. **(NEW CONDITION)** The surface appurtenances associated with the on-site structural stormwater Best Management Practices (BMPs) shall be marked to the satisfaction of the Director of T&ES to identify them as part of a structural BMP system.(T&ES)
49. **(NEW CONDITION)** For any surface-installed stormwater Best Management Practice (BMP), i.e. Bio-Retention Filters, Vegetated Swales, etc. that are employed for this site, descriptive signage for the BMPs is required to be installed to the satisfaction of the Director of T&ES.(T&ES)
50. **(NEW CONDITION)** Prior to approval of the final site plan, the applicant shall execute and submit a maintenance agreement with the City for the stormwater quality Best Management Practices (BMPs).(T&ES)
51. **(NEW CONDITION)** The applicant shall execute a maintenance service contract with a private contractor for a minimum of three years and transfer the contract to the HOA or owner. A copy of the contract shall also be placed in the BMP Operation and Maintenance Manual. Prior to release of the performance bond, a copy of the contract shall be submitted to the City.(T&ES)
52. **(NEW CONDITION)** The applicant shall furnish the operator with an Owner's Operation and Maintenance Manual for all the Best Management Practices (BMPs) used on site. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s); drawings and diagrams of the BMP(s) and any supporting utilities; catalog cuts on maintenance requirements; manufacturer contact names and phone numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement with the City. Prior to release of the performance bond, an copy of the Operation and Maintenance Manual shall be submitted to the City on a digital media.(T&ES)
53. **(NEW CONDITION)** During the construction phase of this development, the site developer, its contractor, certified land disturber, or owner's other agents shall implement a waste and refuse control program. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them and sanitary waste at the construction site and prevent its off site migration that may cause adverse impacts to the neighboring properties or the environment to the satisfaction of Directors of Transportation and Environmental Services and Code Enforcement. All wastes shall be disposed off site properly in accordance with all applicable federal, state and local laws.(T&ES)
54. **(NEW CONDITION)** The extension of the development special use permit shall be for a maximum of six (6) months from the date of the City Council approval. (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 SUP condition).
4. Special Use Permit for Parking Reduction.

CITY DEPARTMENT COMMENTS

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

Planning & Zoning

C-1 A building location survey shall be submitted to the Department of Planning & Zoning when applying for the certificate of occupancy for each unit. The applicant shall submit a final “as-built” plan for the development prior to applying for the final certificate of occupancy permit.

Transportation & Environmental Services:

C-1 The Plan shall comply with the Chesapeake Bay Preservation Ordinance per Article XIII of the City’s zoning ordinance for stormwater quality control.

C-2. All drainage facilities must be designed to the satisfaction of T&ES.

C-3 Bond for the public improvements must be posted prior to the release of the plan.

C-3 All downspouts must be connected to a storm sewer by continuous underground pipe.

C-4 All easements and/or dedications must be recorded prior to the release of the plan.

C-5 Plans and profiles of utilities and roads in public easements and/or public right-of-way must be approved prior to the release of the plan.

C-6 All utilities serving this site are to be underground.

C-7. Provide site lighting plan to meet minimum city standards.

C-8 The applicant must comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City’s zoning ordinance for storm water quality control which includes requirements for pollutant load reductions and treatment of the Water Quality Volume Default (WQV).

C-9 Plans and profiles of utilities and roads in public easements and/or public right-of-way must be approved prior to release of the plan.

C-10 All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.

C-11 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.

- C-12 The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. This includes naming a Responsible Land Disturber on the Erosion and Sediment Control sheets prior to engaging in land disturbing activities in accordance with Virginia Erosion and Sediment Control Law.
- C-13 All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources must be in place for all project construction and mitigation work prior to release of the final site plan. This includes the new state requirement for a VPDES permit for all construction activities greater than 1 acre.

Code Enforcement:

- C-1 Means to prevent spilled flammable liquids from entering the sewer system shall be provided.
- C-2 Construction permits are required for the construction of the building, fuel lines, tanks and dispensers.
- C-3 A fire prevention code permit is required for the proposed construction and operation.
- F-1 Several dispensers are positioned such that their operation cannot be observed by the attendants.
- F-2 Show the location of the emergency shutdown controls.
- C-4 A Spill Prevention Control and Countermeasures Plan shall be submitted by a licensed engineer for review and approval by the Director of Code Enforcement. Condition met for current conditions. SPCC shall be revised to reflect any changes / additions to site, equipment and / or personnel.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 A soils report must be submitted with the building permit application.

Citizens Assistance:

The following comment is not forwarded as a staff recommendation based on the current and future redevelopment of the area, including Potomac Yard and the Exxon gas station south of the site, where a monument sign similar to what the applicant proposes was constructed.

- C-1 The applicant shall comply with Section 9-7-7(a-f) which specifies the requirements for the display of gasoline prices by retail gasoline dealers within the City.

Health Department:

- C-1 This facility shall comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-2 The operation of equipment such as the vacuums shall comply with Title 11, Chapter 5 , the Noise Control Code which sets the maximum permissible sound level at the property line.
- F-1 Permits shall be obtained prior to operation.
- F-2 Five sets of plans shall be submitted and approved by this department prior to construction. Plans shall comply with the Alexandria City Code, Title 11, Chapter 2, Food and Drink Establishments. There is a \$135.00 fee for plan reviews of food facilities.

Police Department:

(See recommendations in staff report)

Historic Alexandria (Archaeology):

- F-1 Low potential for archeological resources. No archeological action required.

Parks & Recreation (Arborist):

- F-1 The Willow Oak trees that are proposed along Route 1 will grow too tall and interfere with the power lines above the right-of-way unless setback from the overhead power lines.

VAWC:

No Comment.