

Docket Item #20  
SPECIAL USE PERMIT #2003-0122

Planning Commission Meeting  
March 2, 2004

**ISSUE:** Consideration of special use permit amendment for an automobile service station with convenience store and restaurant to allow for off-premises beer and wine sales, and for a change of ownership.

**APPLICANT:** U.S. Oil of Virginia, LLC dba Alexandria Mart,  
by Mary Catherine Gibbs, attorney

**LOCATION:** 2320 Jefferson Davis Highway

**ZONE:** I/Industrial

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**STAFF RECOMMENDATION:** Staff recommends **approval** of the change of ownership but **denial** of the request for off-premises alcohol sales subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.

## **I. DISCUSSION**

### **REQUEST**

The applicant, U.S. Oil of Virginia, LLC dba Alexandria Mart, represented by Mary Catherine Gibbs, attorney, requests approval of a change of ownership of the special use permit for an automobile service station with convenience store and restaurant located at 2320 Jefferson Davis Highway. The applicant also requests a special use permit amendment to allow for the off-premise sale of beer and wine.

### **SITE DESCRIPTION / SURROUNDING USES**

The site consists of one lot of record with a total area of 34,427 square feet. The site has 218 feet of frontage on Jefferson Davis Highway and 134 feet of frontage on Fannon Street and is bounded by Jefferson Davis Highway to the east, Fannon Street and a car sales lot to the north, archives storage building to the west and an office/commercial building to the south. The site is developed with five gasoline pumps with a total of ten pumping stations, a 24-hour carry-out restaurant and a convenience store, which sells a variety of prepackaged foods and convenience items. The gas station/convenience store operates seven days a week, twenty-four hours a day.

### **PROJECT DESCRIPTION**

This application is (1) a request to amend the exiting Special Use Permit #2002-0083 for the Exxon gas station/convenience store and restaurant located at 2320 Jefferson Davis Highway to permit the off-premise sale of beer and wine, and (2) a request for approval of a change of ownership.

The applicant indicates that on August 11, 2003, Virginia Development, LLC dba Alexandria Exxon, a franchise of the lessor, Exxon Mobil Oil Corporation, sold its business assets to U.S. Oil of Virginia, LLC, the applicant here.

No additional changes pertaining to the operation of the service station are proposed.

### **SUP HISTORY**

On December 13, 1997, City Council approved SUP#97-0145, a development special use permit for the construction and operation of a gasoline station and convenience store. In 1999, City Council granted Special Use Permit #98-0156 allowing a 24-hour carry-out restaurant, "Jerry's Subs and Pizza", within the building. A SUP review #2001-0117 was approved on December 15, 2001; followed by the last SUP review #2002-0083, which was approved on October 19, 2002. The sale of alcohol has not been part of a prior application for this service station.

## **II. STAFF ANALYSIS**

Staff has no objection to the change of ownership but cannot support the off-premise sale of beer and wine at the automobile service station/convenience store located at 2320 Jefferson Davis Highway.

The police strongly recommends against alcohol sales of any kind at any gas station because of the likelihood that the combination will lead to intoxicated drivers.

Staff conducted a site visit on December 31, 2003, and found no violations of the existing special use permit.

Finally, staff has amended condition #34 requiring a review of the station one year after this approval so that if there are problems with the operation of the service station/convenience store additional conditions may be imposed.

With these conditions, staff recommends approval of the special use permit with regard to the request for a change of ownership.

## **III. RECOMMENDED PERMIT CONDITIONS**

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. Sale of beer and wine shall be permitted, provided that (1) beer shall be sold in six packs, (2) no fortified wines (any wine with alcohol content of 14 percent or greater) shall be sold, (3) no beer or wine shall be sold prior to 11:00 A.M., and (4) no on-site consumption of alcoholic beverages shall be permitted. (P&Z) (SUP #97-0145)
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 BY STAFF:** Any inconsistencies between the various drawings shall be reconciled to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #97-0145)~~
10. Condition deleted. (PC) (SUP #97-0145)
11. ~~**CONDITION DELETED BY STAFF:** The applicant shall reduce the size of the curbs cuts proposed to the minimum size which allows safe and adequate access to the site for patrons and deliveries, to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z) (SUP #97-0145)~~
12. ~~**CONDITION DELETED BY STAFF:** The applicant shall revise the final landscaping plan to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services to include the following elements:
  - A) Landscape areas a minimum of 6 feet in depth along all public rights-of-way;
  - B) An evergreen screen hedge around the perimeter of the property adjacent to the public streets, or, if desired by the applicant, a low brick wall.
  - C) Screening along the west property line.
  - D) Substitution of Pin Oak with Willow Oaks as street trees along Jefferson Davis Highway.
  - E) Substitution of Callery Pear Trees to Redbud, Serviceberry or other suitable understory ornamental tree.
  - F) Specification and grading of all plantings in accordance with The American Standard For Nursery Stock (ANSI X60.1)-latest and most current edition; as produced by the American Association of Nurserymen; Washington D.C.
  - G) Performance of all work in accordance with Landscape Specification Guidelines, 4<sup>th</sup> Edition as produced by the Landscape Contractors~~

~~Association of Maryland, District of Columbia and Virginia; Gaithersburg,  
Maryland. (P&Z) (City Arborist) (SUP #97-0145)~~

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. **CONDITION AMENDED BY STAFF:** The applicant shall ~~consult with~~ 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 prior to the beginning of construction. (Police) (SUP #97-0145) (Police)
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 #97-0145)
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 BY STAFF:** ~~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) (SUP #97-0145)~~
20. **CONDITION DELETED BY STAFF:** ~~The developer shall make a cash contribution to the Housing Trust Fund in the amount of \$0.50 per gross square foot, payable before receipt of the Certificate of Occupancy. (PC) (SUP #97-0145)~~
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. No delivery service shall be provided. (P&Z) (SUP #98-0156)
26. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #98-0156)
27. **CONDITION AMENDED BY STAFF:** The applicant shall ~~install~~ maintain at least one trash container within the restaurant for customers' use. ~~(P&Z) (SUP #98-0156)~~ (P&Z)
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 ~~six months~~ 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, (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) (PC) (SUP #2002-0083)
35. **CONDITION DELETED BY STAFF:** ~~The applicant shall record a consolidation plat for the three parcels of record prior to release of building permits for proposed alterations. (P&Z) (SUP #98-0156)~~
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. (CC) (SUP #2001-004)
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. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)

43. **CONDITION ADDED BY STAFF:** The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)

**STAFF:** Eileen P. Fogarty, Director, Department of Planning and Zoning;  
Barbara Ross, Deputy Director;  
Bettina Irps, Urban Planner.

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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.



**IV. CITY DEPARTMENT COMMENTS**

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

Transportation & Environmental Services:

- C-1 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.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 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.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 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.
- R-5 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.

Code Enforcement:

- C-1 A new Fire Prevention Permit is required due to the change in ownership.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are non-transferable.
- C-3 This facility must meet current Alexandria City Code requirements for food establishments. A "Change of Ownership Inspection" has been completed by Environmental Health.
- C-4 If changes to the facility are to be done, five sets of plans must 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 review of plans for food facilities.
- C-5 Permits must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- F-1 This facility is currently operating as Jerry's Subs & Pizza under Alexandria Health permit, issued to U. S. Oil of Virginia, LLC.
- F-2 The applicant represented this property as 2320 Jefferson Davis Highway which caused some initial confusion in searching records.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 The Police Department is recommending against alcohol sales of any kind at any gas station. This has been a standard recommendation for years.