

Docket Item #29  
SPECIAL USE PERMIT #2004-0034

Planning Commission Meeting  
June 1, 2004

**ISSUE:** Consideration of a request for a special use permit to change the ownership of an automobile service station.

**APPLICANT:** R & N Corporation trading as Duke Street Mobil  
by Duncan Blair, attorney

**LOCATION:** 2838 Duke Street

**ZONE:** CG/Commercial General

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**STAFF RECOMMENDATION:** Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended conditions found in Section III of this report.

## **I. DISCUSSION**

### REQUEST

The applicant, R&N Corporation t/a Duke Street Mobil, is before the Planning Commission for a change of ownership of an automobile service station.

### SITE DESCRIPTION

The subject property is one lot of record with an area of 27,093 square feet, approximately 150 feet of frontage along Duke Street, and a depth of 180 feet. A one story gas station with two pump islands and three service bays occupy the lot. The adjacent land uses include commercial businesses along the Duke Street corridor.

### REVIEW DISCUSSION

An automobile service station has been operating on site since 1968 (SUP #737). Essam Danfora, the prior owner, operated the business since the late 1980s. That owner has had a poor history of compliance with the special use permit. The violations included not parking vehicles in an orderly manner, allowing trash and auto parts to accumulate outside, not maintaining or installing required landscaping, repairing vehicles outside, and conducting general repair when only light repair is permitted.

On March 11, 2004, the applicant and new owner submitted an application for a change of ownership of the station. Because of the history of violations on the property, staff docketed the application for review by City Council.

On April 30, 2004, staff inspected the subject premises to determine if the business was in compliance with the conditions of its special use permit. Staff found that the applicant was in violation of Conditions #5 (requiring that repair work be limited to light auto repair) and Condition #29 (requiring employee training on all SUP conditions), and issued a ticket for the violations. On May 19, 2004, staff reinspected the premises and found that the applicant had corrected the violations.

### PARKING

Pursuant to Section 8-200(A)(12) of the Zoning Ordinance, an automobile service station with eight gasoline pumps requires eight parking spaces. There is room to park at least 15 or 16 cars on the subject premises.

### ZONING

The subject property is zoned CG/Commercial General. Section 4-404(C) of the Zoning Ordinance permits automobile service stations only with a special use permit in the CG zone.

MASTER PLAN

The proposed use is consistent with the Taylor Run/Duke Street Small Area Plan chapter of the Master Plan which designates the property Commercial General.

**II. STAFF ANALYSIS**

Staff is concerned with the history of violations at the subject site, including by the new owner. Staff has discussed with the applicant the importance of compliance and has been assured that there will be no future violations. Staff is willing to give the new owner an opportunity to show that he will comply with the conditions under which the City allows the business to operate. Staff recommends that the applicant be allowed to operate the service station, with another review to take place in one year to ensure that additional violations do not occur. In the meantime, staff will continue to inspect the station and to issue tickets as appropriate for violations.

With this condition, staff recommends approval of the special use permit.

**III. RECOMMENDED CONDITIONS**

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. Condition deleted. (PC)
2. Condition deleted. (PC)
3. No abandoned, stripped, or junked vehicles shall be kept on the premises. (Planning and Regional Affairs) (SUP #737)
4. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP 95-0118)
5. **CONDITION AMENDED BY STAFF:** Repair work done on the premises shall be limited to light automobile repair, which is defined as “Minor service work to automobiles or light trucks including tune up, lubrication, alignment, fuel system, brakes, mufflers, and replacement of small items but not to include general auto repair services.” (P&Z)-(SUP 95-0118)
6. No repair work shall be done outside. (P&Z) (SUP 95-0118)

7. The applicant shall provide a parking plan for the lot to the satisfaction of the Director of Planning and Zoning and shall stripe the parking spaces according to the approved plan prior to the issuance of a building permit for the canopy. (P&Z) (SUP 95-0118)
8. A minimum of a 22 foot wide drive aisle shall be provided around the building, for access to the service bays. (P&Z) (SUP 95-0118)
9. Vehicles shall be parked in a neat and orderly manner, generally in the designated striped parking spaces. (P&Z) (SUP 95-0118)
10. No vehicles shall be displayed, parked, or stored on a public right-of-way. (P&Z) (SUP 95-0118)
11. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure. (P&Z) (SUP 95-0118)
12. The hours of operation shall be limited to between 6:00 A.M. and 10:00 P.M., daily (P&Z) (SUP 95-0118)
13. 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 2001-0114)
14. Condition deleted. (PC) (SUP#2003-0024)
15. Condition deleted. (PC) (SUP#2003-0024)
16. Condition deleted. (PC) (SUP#2003-0024)
17. Condition deleted. (PC)
18. **CONDITION AMENDED BY STAFF:** The applicant shall ~~install~~ maintain two to four the two street trees and shrubbery along the property line fronting Duke Street to the satisfaction of the Director of Planning and Zoning ~~by May 1, 2002.~~ (P&Z) (~~SUP 2001-0114~~)
19. The applicant shall maintain plants in good condition. (P&Z)(SUP 95-0118)

20. All loudspeakers shall be prohibited from the exterior of the building. No amplified sound shall be heard at the property line. (P&Z) (T&ES) (SUP#2003-0024)
21. Condition deleted. (CC) (SUP 97-0178)
22. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year from approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)
23. **CONDITION AMENDED BY STAFF:** The applicant shall maintain the planting bed on the western side of the property with its current plantings and in its current in a neat and orderly condition in perpetuity. (PC) (~~SUP 2001-0114~~) (P&Z)
24. No banners, streamers, flags, or similar advertising devices shall be displayed on the premises, but signs advertising the general business conducted on the premises may be displayed in accordance with Article IX, Section 9-100 of the zoning ordinance of the City of Alexandria, Virginia. (P&Z) (SUP 2001-0114)
25. Loading and unloading of vehicles, if any, shall take place on-site and during hours of operation. (P&Z) (SUP 2001-0114)
26. 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, extension 166. (T&ES) (SUP 2001-0114)
27. No material shall be disposed of by venting into the atmosphere. (T&ES) (SUP 2001-0114)
28. 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. (T&ES) (SUP 2001-0114)

29. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z) (SUP#2003-0024)
30. Convenience retail items sold shall be limited to cigarettes, sodas, prepackaged snack foods, chips, cookies, gum, magazines and similar items. (P&Z) (SUP#2003-0024)
30. **CONDITION ADDED BY STAFF:** The applicant shall control 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)
31. **CONDITION ADDED BY STAFF:** Car wash discharges resulting from a commercial operations shall not be indiscriminately discharged into a storm sewer system. For any on-site car washing, the applicant shall comply with one of the following four alternatives available to the applicant:
  - A) Car washes be done at an off site commercial car wash facility.
  - B) Wash water may be discharged to sanitary sewers after seeking appropriate approval from Alexandria Sanitation Authority.
  - C) Applicant may choose to seek coverage under a general VPDES (Virginia Pollution Discharge Elimination System) permit issued by Virginia Department of Environmental Quality to discharge wash water from car washes into surface waters/storm sewer and comply with the conditions specified therein.
  - D) Commercial car wash installations shall be equipped with water recycling system approved by the building official. (T&ES)

**STAFF:** Eileen Fogarty, Director, Department of Planning and Zoning;  
Barbara Ross, Deputy Director;  
Valerie Peterson, 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:

- R-1 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-2 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 at 703-519-3400 ext. 166.
- R-3 The applicant shall control 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.
- R-4 No repair work shall be done outside.
- R-5 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.
- R-6 Car wash discharges resulting from a commercial operations shall not be indiscriminately discharged into a storm sewer system. For any on-site car washing, the applicant shall comply with one of the following four alternatives available to the applicant:
  - A) Car washes be done at an off site commercial car wash facility.
  - B) Wash water may be discharged to sanitary sewers after seeking appropriate approval from Alexandria Sanitation Authority.
  - C) Applicant may choose to seek coverage under a general VPDES (Virginia Pollution Discharge Elimination System) permit issued by Virginia Department of Environmental Quality to discharge wash water from car washes into surface waters/storm sewer and comply with the conditions specified there in.
  - D) Commercial car wash installations shall be equipped with water recycling system approved by the building official. (T&ES)

- 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.

Code Enforcement:

- F-1 The following complaints were investigated:  
CMP2003-03924 (10/11/03) - Failure to pay permit fees - Abated 10/19/03  
CMP2003-03513 (9/9/03) - Failure to Pay Permit Fees - Abated 9/9/03  
CMP2003-00989 (4/1/03) - Numerous Fire & Building Code Violations - Abated 9/2/03.
- C-1 A fire prevention code permit is required for the proposed operation due to change in ownership. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application. An inventory and MSDS sheets for hazardous materials are required.

Health Department:

- F-1 No comments.

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.
- F-1 The applicant is not requesting an ABC permit and the Alexandria Police Department concurs with this.

**REPORT ATTACHMENTS AVAILABLE IN THE PLANNING AND ZONING OFFICE**