

Docket Item #9
SPECIAL USE PERMIT #2005-0034

Planning Commission Meeting
June 7, 2005

ISSUE: Consideration of a request for a special use permit to continue the operation of a nonconforming service station with an ancillary convenience store.

APPLICANT: ExxonMobil Corporation
by Catharine Puskar, attorney

LOCATION: 701 & 703 N. Washington Street
Exxon Station

ZONE: CD-X/Commercial downtown

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

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, ExxonMobil, requests special use permit approval for the continued operation of a service station with an ancillary convenience store located at 701 and 703 N. Washington Street.

SITE DESCRIPTION

The subject property is two lots of record with 155 feet of frontage on North Washington Street, 131 feet of depth and a total lot area of 19,252 square feet. The site is developed with a gasoline service station.

The property is surrounded by a mix of uses, including the Saul Center office and commercial mixed-use project to the south, offices and a hotel to the west, Liberty gas station to the north, and offices to the east.



BACKGROUND

In 1992, zoning of the subject property changed from C-2 to CD-X, which eliminated gasoline service stations as an allowable use, making the subject property nonconforming. In 1998, City Council amended the Zoning Ordinance to require that nonconforming uses cease operations within seven years, unless an SUP is approved allowing their continued use (TA#97-0009A). Nonconforming uses that the City was aware of at that time were notified of their nonconforming status by letter dated June 30, 1998, explaining that a special use permit was required prior to July 1, 2005, or they would have to cease operations.

On February 7, 2001, the Board of Architectural Review approved upgrades to the canopy and sign at the subject property, as well as at the Exxon station at 834 North Washington Street.

PROPOSAL

The applicant proposes to continue operating the gasoline service station. Specific aspects of the current and proposed operation are as follows:

Hours: *Gas Pumps*– 24 hours daily; *Service Bays*– 7:00 a.m. to 7:00 p.m. Monday through Friday; 7:00 a.m. to 5:00 p.m. Saturday

Retail Store: The station includes a small retail operation in conjunction with the cashier station. Retail items currently sold include: small automotive accessories, soft drinks, candy, chips and nonprescription drugs.

Waste

Management: Trash consists generally of paper and cardboard. There is dumpster located at the northeast corner of the property that is currently not enclosed. Staff will periodically inspect the property to collect any litter.

PARKING

Section 7-6-72(11)(0) of the Zoning Ordinance requires an automobile service station to provide one (1) off-street parking space for each gasoline pump. A self-service gasoline service station with four (4) pumps will require four (4) off-street parking spaces. The applicant indicates that there are thirteen (13) off-street parking spaces available on-site.

ZONING/MASTER PLAN DESIGNATION

The subject property is zoned CD-X/Commercial downtown, and is located in the Old Town North Small Area Plan.

The proposed use is not consistent with the Old Town North Small Area Plan chapter of the Master Plan, which designates the property for uses consistent with the CD-X zone.

II. STAFF ANALYSIS

Staff does not object to the continued operation of the gasoline service station. There has been a station at this site since 1926, and staff is not aware of any immediate plans for redevelopment of the property. The building is in good condition, there is mature and well-maintained landscaping adding to the streetscape, and the pavement, curbs, and sidewalks are in good condition.

Staff is concerned, however, that the use is not consistent with the long-range vision for North Washington Street. The Saul Center, a mixed use development of offices, retail, and restaurant uses, was recently developed and is an example of the type of development that staff encourages for this area. Therefore, staff recommends a review of the SUP in ten years so that the special use permit can be reconsidered in the context of potentially increasing pressure for redeveloping this automobile-oriented use. In 2002, City Council approved the same condition for the noncomplying Exxon station at 4001 Mount Vernon Avenue. Staff has also included the standard conditions for gas stations, and a one year review condition. For site improvements, staff recommends that the applicant install a trash enclosure to screen the dumpster, and replace the old city trash can at the front of the property with a new model.

With these conditions, 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. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the gas pumps and small retail store may be 24 hours a day. The hours of operation for the repair service shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. 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)
5. Vending machines, including soda and snack machines, ATMs, or other similar machines, shall be prohibited outdoors. (P&Z)
6. The applicant shall install and maintain in good condition an enclosure to screen the dumpster to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z)
7. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
8. 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)
9. 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)

10. 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.
11. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.
12. 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.
13. The application of paints or coatings shall be prohibited at the site. (P&Z)
14. All repairs of motor vehicles shall be conducted inside a building or structure that is approved by the Director of Planning and Zoning. (P&Z)
15. Applicant shall provide \$850/ea to the Director of T&ES for the purchase and installation of a City standard street can along the public street (to replace the old model street can). (T&ES)
16. No junked, abandoned, or stripped vehicles shall be displayed, parked, or stored outside. (P&Z)
17. No vehicles shall be displayed, parked, or stored on a public right-of-way. (P&Z)
18. 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)
19. All vehicles on the lot shall be stored in a neat and orderly manner. (P&Z)
20. The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all SUP provisions and requirements, as part of that training. (P&Z)
21. This special use permit shall be reviewed ten years from approval by City Council in order to assess its compatibility with other uses in the area. (P&Z)

22. 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 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)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Valerie Peterson, Urban Planner.

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.
- C-2 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 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-2 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)
- R-3 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)
- R-4 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-5 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-6 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.
- R-7 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.

Staff did not include the following condition because the activity is not permitted in the zone. Instead, staff included a condition that prohibits the application of paints or coatings.

- R-8 The application of paints or coatings shall be prohibited at the site, unless a paint spray booth is designed and built to the satisfaction of the Director of Code Enforcement. If automotive refinishing is permitted, no materials shall be disposed of by venting to the atmosphere and no paints or coating shall be applied outside of the approved paint spray booth.
- R-9 All repairs of motor vehicles shall be conducted inside a building or structure that is approved by the Director of Planning and Zoning.
- R-10 Applicant shall provide \$850/ea to the Director of T&ES for the purchase and installation of a City standard street can along the public street (*to replace the old model street can*).
- F-1 Site is in acceptable condition, curbs and sidewalks are in excellent repair.
- F-2 Lighting is acceptable.

Code Enforcement:

- F-1 No comments

Health Department:

- F-1 No comments

Police Department:

- F-1 The applicant is not requesting an ABC license to sell alcohol. The Police Department concurs.
- F-2 The Police Department has no objections to the SUP.

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Parks and Recreation:

F-1 No comments

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