

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2025-00001

Approved by Planning and Zoning: February 12, 2025

Permission is hereby granted to: MJ United, Inc.

to use the premises located at: 4001 Mount Vernon Avenue

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

February 12, 2025

Date

Karl Moritz (by T. LaColla)

Karl Moritz, Director
Department of Planning and Zoning

DATE: February 12, 2025

TO: Tony LaColla, Division Chief, Land Use Services
Department of Planning and Zoning

FROM: Mavis Stanfield, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2025-00001
Administrative Review for Change of Ownership
Site Use: Automobile Service Station
Applicant: MJ United, Inc.
Location: 4001 Mount Vernon Avenue
Zone: NR / Neighborhood Retail (Arlandria)

Request

Special Use Permit #2025-00001 is a request for an SUP change of ownership for an existing automobile service station at 4001 Mount Vernon Avenue in Arlandria. The change of ownership request will transfer the SUP from 786 Noble, LLC by Sayed Howaida, to MJ United Inc. No other changes to the business are proposed and the applicant plans to continue to sell gasoline under the Exxon brand and offer convenience items for sale at a small retail kiosk.

Background

A gasoline service station has operated at this location since at least 1941. In 1974, City Council approved SUP#983 to replace a service station building with the existing kiosk, canopy, and pump islands. City Council approved Special Use Permits #1571 and #1571A in 1983 and 1984 to allow Gulf Oil to build a 750 square-foot building for the purpose of selling retail items, but the building was never constructed and the Special Use Permits expired. The subject use became noncomplying in 1992 when the property was rezoned to CL, since automobile service stations are prohibited in the zone. The location was rezoned to NR in 2003.

Changes of ownership were approved in 2002 and 2010. City Council reviewed the use in May 2013, consistent with a ten-year review SUP condition, and approved its operation for another 10 years (SUP#2013-0008) in May 2023. Staff recognized the need for the 10-year review when the applicant came forward with this change of ownership request and has docketed for April 2025.

Special Use Permit #2013-0078 was approved administratively on November 25, 2013 for a change of ownership from Roshan Enterprises, Inc. to 786 Noble, LLC by Sayed Howaida. No other changes to the business were proposed.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff has not received any comments from residents or adjacent businesses.

Staff Action

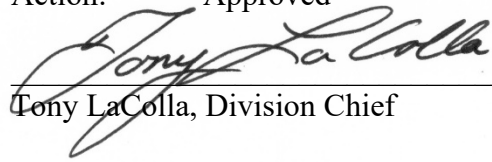
Staff finds that the request to change ownership of the business is reasonable. The compatibility of the use with the neighborhood will be reviewed by City Council in April, and a zoning inspection conducted on January 14 found the use to be in compliance with all the conditions. Staff deleted or amended conditions that are otherwise regulated by the zoning ordinance or by other entities, such as Condition #3, which references the sign ordinance, and Condition #26, for alcohol sales, which are governed by the state. Other conditions have been deleted which are no longer relevant to current standards and Condition #28 has been added, which encourages employees to commute using public transportation.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 2/12/2025

Action: Approved

A handwritten signature in black ink, appearing to read "Tony LaColla", is written over a horizontal line.

Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2025-00001

The new owner is responsible for ensuring compliance with all applicable codes and ordinances and ensuring that the following conditions are adhered to at all times. Violation of any of the SUP conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. Condition deleted. (SUP 2002-0091)
2. Condition deleted. (SUP 2002-0091)
3. **CONDITION DELETED BY STAFF:** ~~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 2002-0091)~~
4. 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 2002-0091)
5. Condition deleted. (SUP 2002-0091)
6. Condition deleted. (SUP 2002-0091)
7. The applicant shall 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) (SUP#2013-0008)
8. The hours of operation may be up to 24 hours a day, seven days a week. (P&Z) (SUP 2002-0091) (SUP#2013-0008)
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 Office of Environmental Quality at 703-746-4065 or at <http://alexandriava.gov/Environment> under Forms and Publications. (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. (T&ES) (SUP 2002-0091)
11. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2013-0008)

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. (T&ES) (SUP 2002-0091)
13. No material shall be disposed of by venting into the atmosphere. (T&ES) (SUP 2002-0091)
14. 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) (SUP 2002-0091)
15. **CONDITION AMENDED BY STAFF:** ~~This Special Use Permit shall be reviewed by the Director of Planning & Zoning five years from approval in order to assess the compatibility of the use with other uses in the area and with redevelopment anticipated in the Arlandria Small Area Plan. The Director shall docket the Special Use Permit for Planning Commission and City Council review if the use is determined to be incompatible with surrounding uses or with anticipated redevelopment. Notwithstanding the staff review, City Council shall review the Special Use Permit ten years from approval in order to assess the compatibility of the use with other uses in the area and with redevelopment anticipated in the Arlandria Small Area Plan. (P&Z) (SUP#2013-0008)~~
16. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after it has been operational ~~for one year, and then again every three years for compliance with all conditions and may~~ 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) or the Director has received a request from any person to docket the permit for review, as the result of a complaint that rises to the level of a violation of the permit conditions or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed to offset land use impacts not addressed in the city code.~~ (P&Z) (SUP#2013-0008)
17. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2010-0001)
18. 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. (T&ES) (SUP#2010-0001)

19. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. ~~and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees.~~ (T&ES) (SUP#2010-0001)
20. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-1920 regarding a security assessment for the business and robbery readiness training for all employees. (Police) (SUP#2010-0001)~~
21. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP#2013-0008)
22. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2013-0008)
23. No repair work shall be allowed on the premises. (P&Z)(T&ES) (SUP#2013-0008)
24. No junked, abandoned, or stripped vehicles shall be parked or stored outside. (P&Z) (SUP#2013-0008)
25. **CONDITION DELETED BY STAFF:** ~~Retail sales on the premises shall be accessory to the automobile service station only and shall be limited to convenience items such as motor oil, non-alcoholic beverages, candy, gum, chips, and cigarettes, to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP#2013-0008)~~
26. **CONDITION AMENDED BY STAFF:** ~~No a~~ Alcohol sales shall be allowed on the premises in compliance with Virginia ABC requirements. (P&Z) (SUP#2013-0008)
27. **CONDITION AMENDED BY STAFF:** The applicant shall ~~install, at its expense, one tree on the southern portion of the property to the satisfaction of the Director of Planning & Zoning~~ maintain landscaping on the property. (P&Z) (SUP#2013-0008)
28. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z)

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.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2025-00001. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the automobile service station at 4001 Mount Vernon Avenue.


Applicant - Signature

2-24-2025
Date

MALIK ARIFF HUSSAIN
Applicant - Printed MJ UNITED INC

2/24/2025
Date