

Docket Item #5
SPECIAL USE PERMIT #2004-0058

Planning Commission Meeting
February 1, 2005

ISSUE: Consideration of a request for a special use permit to operate a nonconforming convenience store.

APPLICANT: 7-Eleven, Inc.
by Maynard Sipe, attorney

LOCATION: 3412 Mount Vernon Avenue
(Parcel Address: 3408 Mt. Vernon Avenue)

ZONE: CG/Commercial General

PLANNING COMMISSION ACTION, FEBRUARY 1, 2005: On a motion by Mr. Dunn, seconded by Mr. Jennings, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

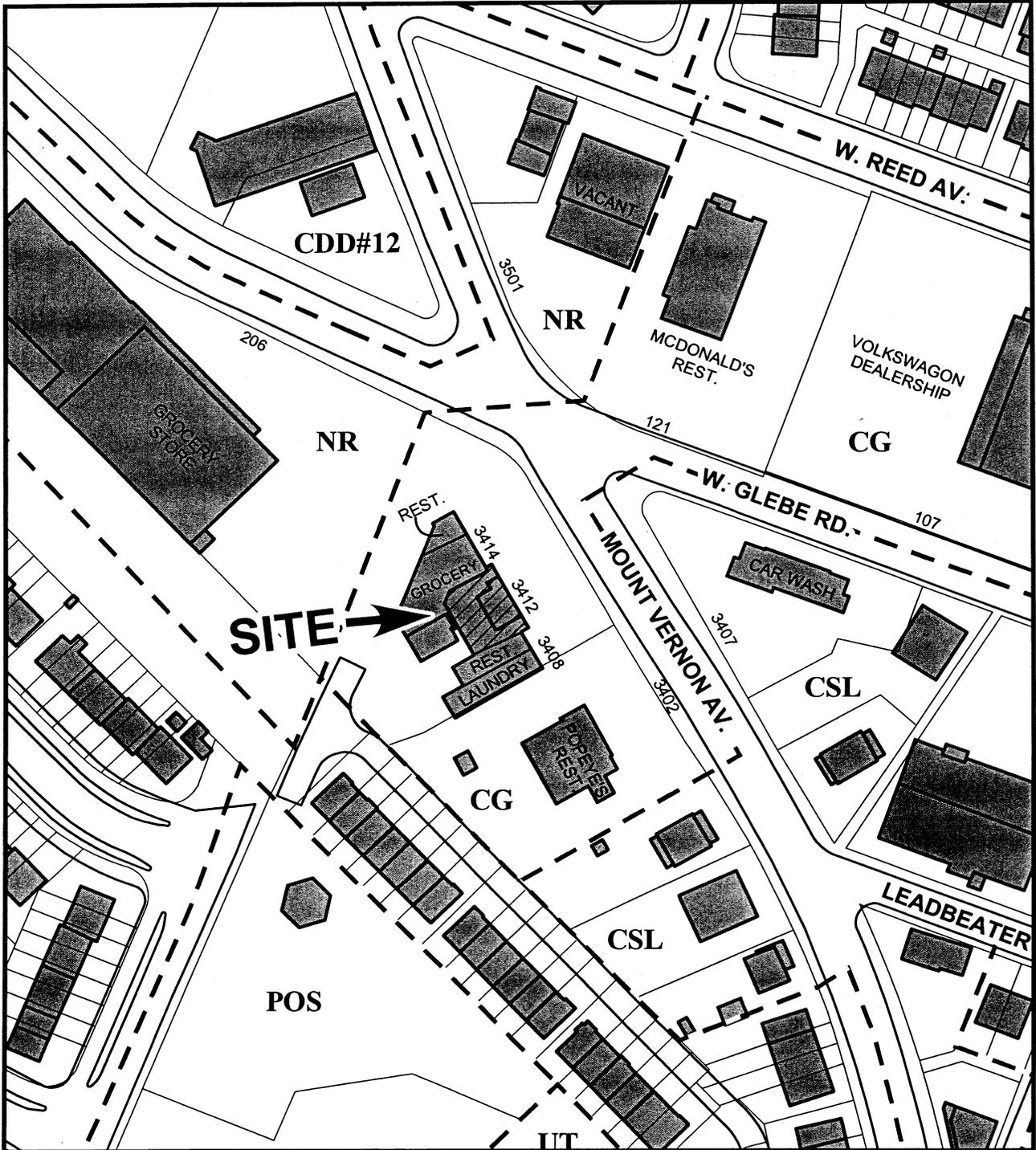
Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Maynard Sipe, attorney for 7-Eleven, spoke in support of the application and to request that the Planning Commission amend Condition #17 to allow a monument sign of ten feet in height as opposed to eight feet in height as recommended by staff.

Larry Grossman, resident of the City, asked for clarification regarding the size and style of the monument sign and asked if the sign would be setback enough to not obstruct driver's visibility coming to and from the Popeye's restaurant.

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.



SUP #2004-0058

02/01/05



I. DISCUSSION

REQUEST

The applicant, 7-Eleven Inc., requests special use permit approval for the continued operation of a nonconforming convenience store located at 3412 Mt. Vernon Avenue.

SITE DESCRIPTION

The subject property is one lot of record with approximately 179 feet of frontage on Mount Vernon Avenue, a depth that ranges between approximately 219 feet and 242 feet, and a total lot area of approximately 38,280 square feet. The site is developed with a shopping center and surface parking area. Tenants in the shopping center include a laundromat, Señor Chicken restaurant, the subject 7-Eleven convenience store, and Chirilagua market and carry-out. The 7-Eleven store occupies 2,630 square feet of space.

SURROUNDING USES

To the north of the site across Mount Vernon Avenue is a vacant building formerly occupied by Yates Auto Parts store. Immediately across Mt. Vernon Avenue is a car wash. To the south is a Popeye's restaurant. To the west is Food Way grocery store and Warwick Village residential development.

PROJECT DESCRIPTION

The applicant proposes to continue operating the nonconforming 7-Eleven convenience store. The applicant is a lessee of the existing building. The 7-Eleven store is a typical convenience retail store selling a variety of goods including food and beverages, which are consumed off the premises. Consistent with staff's approach in the other 7-Eleven cases, the features of the continued operation are proposed:

Hours: The store operates for 24 hours a day, 365 days a year.

ABC License: The store has an Alcoholic Beverage Control license for off-premise sale of beer and wine between the hours of 6:00 a.m. and 12:00 midnight.

Architecture: Staff has spent a number of months with the applicant on facade improvements. The applicant has agreed to remove the existing gable roof and replace it with a new roof to make the front facade more compatible with the fronts of the existing shopping center(See attached plans).

Landscaping: Landscaping was recently installed by the City along the perimeter of the property as part of the Landover Path project. In addition, the applicant will be removing pavement and installing additional landscaping where a new monument sign will be installed.

Sign: The applicant has agreed to remove the freestanding sign located closer to the street and proposes a monument sign. A new 7-Eleven sign will be located on the new structure above the existing entrance to the store.

Parking: There are a total of 50 parking spaces on the property, including 11 spaces at the back of the building, and 48 parking spaces are required for the retail uses in the entire shopping center. Therefore, the applicant complies with the parking requirement.

Trash Dumpster
and Litter:

Trash generated is typically solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. Trash is picked up by a private hauler several times per week. The dumpster is located at the back of the building. Store employees perform a minimum of two litter walks per day to pick up litter around the store. Additional litter walks are performed three times per week by a contractor. To control litter, there are trash cans located at the front of the store.

ZONING

The subject property is located in the CG/Commercial General zone. Section 4-403 (G) of the Zoning Ordinance permits a convenience store in the CG zone only with a special use permit. Since the existing 7-Eleven store does not currently operate under a special use permit, it is required, under Section 12-214 of the zoning ordinance, to obtain a special use permit to allow the continuation of its use.

MASTER PLAN

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for general commercial use.

II. STAFF ANALYSIS

Staff does not object to the continued use of the 7-Eleven located at 3412 Mt. Vernon Avenue. The store is compatible with the mix of uses already in the area and provides a valuable convenience retail service to the community.

The location of the existing store and the surrounding area provide opportunities for improvement and redevelopment. The owner of the shopping center where the 7-Eleven is located has expressed an interest in upgrading the center and is willing to work with the tenants and Planning and Zoning in doing so. Staff spent a number of months working with the applicant on facade improvement

plans, and encouraged the applicant to work with the property owner on coordinating improvements to the building. In response to staff's concerns, the applicant proposes a number of facade improvements for the building including removal of the existing gable roof and replacement with a new roof feature in keeping with the adjacent uses. A new 7-Eleven sign will be located above the front entrance to the store.

Regarding landscaping, the City invested in landscaping along the perimeter of the property as part of the Landover Path project, which has been installed and greatly enhances the property. In addition, the applicant proposes to remove pavement and install additional landscaping in the area where a new monument sign will be installed.

Regarding the freestanding 7-Eleven sign on the property, staff has worked with the applicant to remove this freestanding sign as well as the other freestanding sign on the property and replace them with one monument sign. The new monument sign will be located on the south side of the entrance to the shopping center.

In regard to alcohol sales, staff supports the Police recommendation prohibiting single sales to prevent any potential problems, such as littering and loitering, and to be consistent with Police's policy to limit such sales City-wide.

With the following 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 business or entity in which the applicant has a controlling interest. (P&Z)
2. 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)
3. Outdoor storage shall be limited to firewood. The firewood shall be located inconspicuously in a rack at the front of the store to the satisfaction of the Director of Planning and Zoning. (P&Z)
4. The business shall be permitted to operate for 24 hours daily. (P&Z)

5. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of 40 fluid ounces or more. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (Police)
6. 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 and debris shall be permitted to accumulate on site outside of those containers. (P&Z)
7. 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 and a robbery awareness program for all employees. (Police)
8. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
9. No seats or tables shall be provided for the use of patrons. (P&Z)
10. 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, and on how to prevent underage sales of alcohol. (P&Z)
11. Lighting shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (P&Z)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
13. 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)
14. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES)
15. The applicant shall implement the facade improvements consistent with the attached plans to the satisfaction of the Director of Planning and Zoning. More specifically, on the parapet for the replacement roof, the design should be simple and not ornate. Also, the area above the windows along the front facade of the building that is shown

as a blank white space should be constructed with the same metal prefinished panels proposed for the new roof design. (P&Z)

16. The applicant shall install, and thereafter maintain in good condition, landscaping to the satisfaction of the Directors of Planning and Zoning and Recreation, Parks and Cultural Services. (P&Z)
17. The applicant shall remove the existing freestanding signs, and install a new monument sign to the satisfaction of the Director of Planning and Zoning. More specifically, the new monument sign shall be no higher than eight feet and no larger than 50 square feet in area. (P&Z)
18. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
19. The applicant shall screen the dumpster to the satisfaction of the Director of Planning and Zoning and shall maintain the screening in good condition. (P&Z)
20. Lighting on the property shall be shielded to prevent glare on adjacent properties. (P&Z)
21. 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) (Police)

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 Lighting survey conducted, lighting determined to be adequate per T&ES.
- R-1 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-2 No amplified sounds shall be audible at the property line.
- R-3 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-4 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.
- 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:

- C-1 A construction permit is required for the proposed changes to the facade.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

Health Department:

- F-1 This facility is currently operating as 7- Eleven under Alexandria Health permit, issued to The Southland Corporation.

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility and all modifications must meet current Alexandria City Code requirements for food establishments.
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction/modifications. 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-4 Permits and/or approval must be obtained prior to operation.
- C-5 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 Certified Food Managers must be on duty during all hours of operation.
- C-7 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2, requirements.
- 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 If an "ABC Off" license is approved we recommend the following conditions;
 - 1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
 - 2. That the SUP is reviewed after one year.

The following recommendation related to site lighting has not been included as a condition; rather, staff has recommended that the applicant maintain lighting to the satisfaction of the Director of T&ES in consultation with the Chief of Police, which will likely result in lower lighting levels than recommended by the Police.

- R-4 The lighting for the parking lot is to be a minimum of 2.0 foot candles minimum maintained.

The following recommendation related to landscaping has not been included as a condition because staff finds that mature landscaping at this location will enhance the property.

- R-5 The shrubbery is to be a maximum height of 36 inches when it is mature.

APPLICATION for SPECIAL USE PERMIT # 2004-0058

[must use black ink or type]

PROPERTY LOCATION: 3412 Mt. Vernon Avenue, Alexandria

TAX MAP REFERENCE: 15.01-08-07 ZONE: CG

APPLICANT Name: 7-Eleven, Inc.

Address: 5300 Shawnee Road, Alexandria, VA 22312

PROPERTY OWNER Name: William S. Oshinsky c/o Winfield Group

Address: 1499 Chain Bridge Road, McLean, VA 22101

PROPOSED USE: convenience store

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Michael R. Vanderpool, Esquire

Maynard Sipe, Esquire

Print Name of Applicant or Agent

Vanderpool, Frostick & Nishanian, P. C.
9200 Church Street, Suite 400

Mailing/Street Address

Manassas, VA 20110
City and State Zip Code

Signature
Signed cover memo attached

703-369-4738
Telephone #

703-369-3653
Fax #

Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

VANDERPOOL, FROSTICK & NISHANIAN, P.C.

ATTORNEYS AT LAW
SUITE 400
9200 CHURCH STREET
MANASSAS, VIRGINIA 20110

703-369-4738

FAX 703-369-3653

E-MAIL INFO@VFNLAW.COM

April 29, 2004

VIA HAND DELIVERY

Ms. Eileen Fogarty, Director
Department of Planning and Zoning
City of Alexandria
301 King Street, Room 2100
Alexandria, Virginia 22313

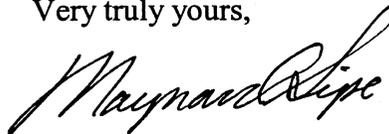
Dear Ms. Fogarty:

7-Eleven, Inc. hereby submits special use permit applications for the 7-Eleven convenience store sites located at 1025 West Glebe Road, 2108 Mt. Vernon Avenue, and 3412 Mt. Vernon Avenue. Included with each application package is an:

- 1) application form;
- 2) written narrative;
- 3) plot plan of store;
- 4) color photos of the existing conditions;
- 5) interior plan of store; and
- 6) check payable to City of Alexandria.

If you should desire any additional information, please do not hesitate to contact me.

Very truly yours,



Maynard L. Sipe

MLS
Enclosures

cc: Todd Patrick

V:\Company\7-Eleven\Alexandria SUPs\App cvr ltr Fogarty Dir Plan 4-29-04.doc

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

IYG Holding Co.
4-1-4 Shibakoen
Minato-ku, Tokyo
Japan 105
72.51% of common stock

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: Continuation of a non-conforming use (under Section 12-214 of the Zoning Ordinance).

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

Approximately 800 to 1,200 customers per day

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

Approximately thirteen (13) employees total. Maximum of four (4) employees per shift.

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

365 days per year

Hours:

24 hours per day

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

No significant noise beyond that generated by typical retail business activities.

B. How will the noise from patrons be controlled?

No significant noise from patrons anticipated.

8. Describe any potential odors emanating from the proposed use and plans to control them:

No significant odors generated by use.

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Typical solid waste from small retail establishment (consisting largely of paper, cardboard and plastic).

B. How much trash and garbage will be generated by the use?

Approximately 26 cubic yards of waste per week.

C. How often will trash be collected?

Trash collection is managed by property owner. Trash is picked up approximately five (5) times per week.

D. How will you prevent littering on the property, streets and nearby properties?

Contract with outside vendor for "litter walk" around property and adjoining sidewalks three times per week. Employees perform litter walk twice per day on property.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

Store has closed circuit TV and monitored alarm system.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

Current ABC license for off-premise sale of beer and wine 6 a.m. to 12 a.m. (midnight).

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

Existing parking is grandfathered as non-conforming use established prior to 1992.

B. How many parking spaces of each type are provided for the proposed use:

Eight (8) Standard spaces

_____ Compact spaces

One (1) Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? on-site off-site (*check one*)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? Grandfathered non-conforming use.

B. How many loading spaces are available for the use? None

C. Where are off-street loading facilities located? Loading is accomplished from parking area on-site.

D. During what hours of the day do you expect loading/unloading operations to occur?

A consolidated delivery is made to minimize the number of truck deliveries. Large truck deliveries are scheduled to comply with the City's noise ordinance.

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

Consolidated deliveries arrive daily. Other vendors deliver several times per week. typically three or four trucks deliver per 24 hour period.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Existing access is adequate

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? 0 square feet.

18. What will the total area occupied by the proposed use be?

2,630 sq. ft. (existing) + 0 sq. ft. (addition if any) = 2,630 sq. ft. (total)

19. The proposed use is located in: (*check one*)

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other, please describe: _____

**SPECIAL USE APPLICATION
7-Eleven, Inc.**

3412 Mt. Vernon Avenue, Alexandria

WRITTEN NARRATIVE

7-Eleven, Inc. ("7-Eleven" or "Applicant"), the lessee of the property described in the City of Alexandria land records as Tax Map Parcel Number 15.01-08-07 and having a street address of 3412 Mt. Vernon Avenue, Alexandria, Virginia (the "Property") requests approval of a Special Use Permit (SUP) to continue operating the existing use of a convenience store (the "Store"). This request is in accordance with Section 12-214 of the City of Alexandria's Zoning Ordinance that requires such SUP for continuance of any existing legal non-conforming use.

The Store contains approximately 2630 square feet. It is zoned Commercial General Zone (CG).

The Store is located on Mt. Vernon Avenue near its intersection with West Glebe Road. The Store is located in a neighborhood scale shopping center. Maintenance of all common areas, including the parking lot, is the responsibility of the property owner. The immediate area is one comprised largely of commercial uses. The Store is well established and provides a valuable service to residents of the immediate area.

Nature of Activity

The 7-Eleven store is a typical convenience retail store selling a variety of goods including food and beverages. The Store is intended to provide quick and convenient shopping and goods are typically purchased in small quantities. Food and beverages are purchased for consumption off premises. The Store has an A.B.C. license for off premises sell of beer and wine between the hours of 6:00 a.m. and midnight.

Architecture

The Store building's existing façade is architecturally appropriate and in keeping with the scale of abutting buildings. (See Exhibit A). Facade improvements will include using a paneling effect to provide detailing over the storefront windows (in the area where banner signs have been located in the past). The standard 7-Eleven sign will remain above the entrance.

The property owner is presently working on approval of a consolidated sign for all tenants of the shopping center. The existing pole sign will be removed upon installation of a consolidated sign.

Parking

Existing parking is adequate for the Store's level of operations. Since the existing non-conforming use was established prior to 1992, the existing parking is grandfathered.

Waste Management

Trash generated is typical solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. The property owner is responsible for all trash disposal. Trash is picked up several times per week.

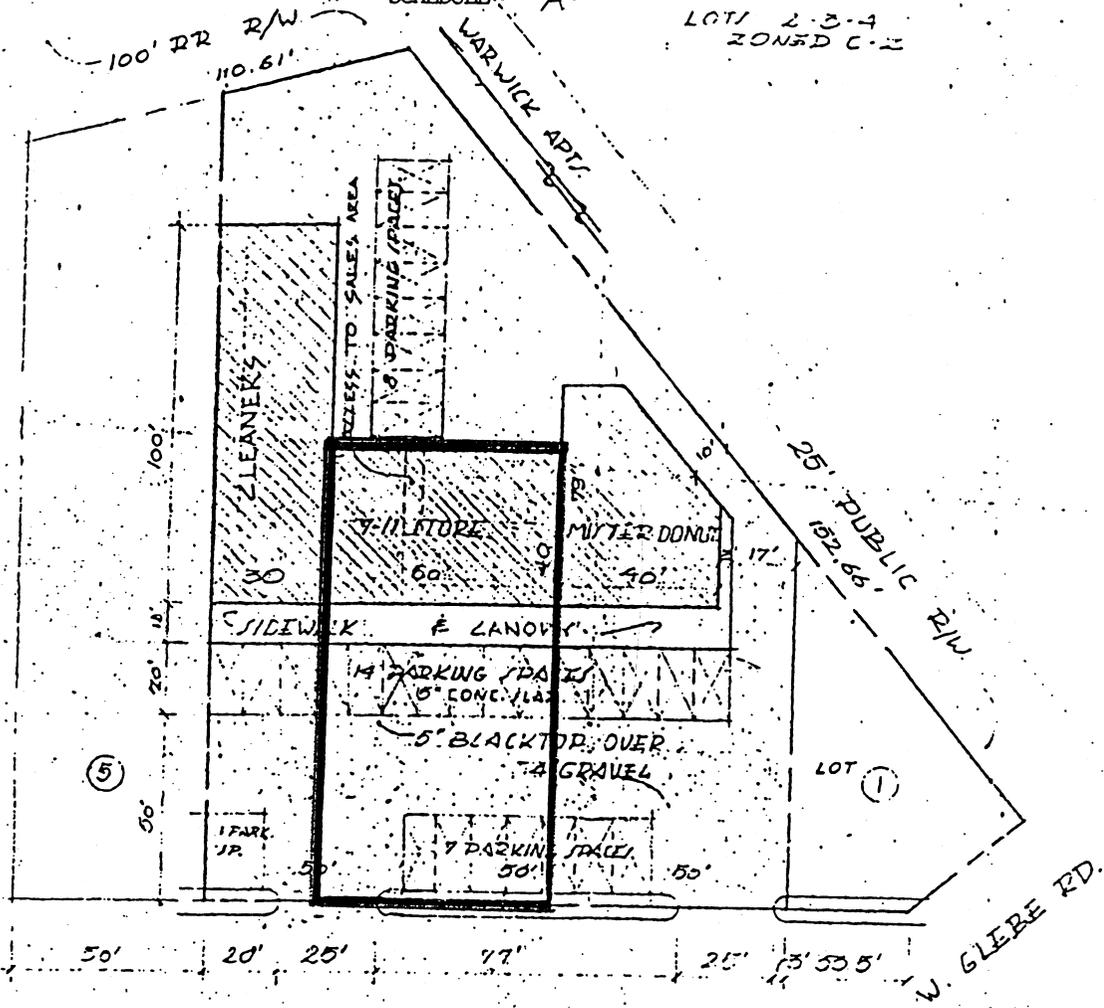
Store employees perform a minimum of two litter walks per day to pick up litter around the Store and the adjacent public right-of-way. Additional litter walks are performed three times a week by a contractor.

Conclusion

The nature of the existing convenience store use and its scale of operations has proven compatible with the neighborhood and the existing uses in the surrounding area and, thus, no significant change in operations is necessary. With approval of the requested SUP, the Store will continue to provide convenience shopping for residents of the immediate neighborhood.

SCHEDULE "A"

LOT/ 2-3-4
ZONED C-2



MT. VERNON AVE.

PLOT PLAN

FOR A NEW

7-ELEVEN STORE

SCALE 1"=40'

W. L. MAYNE

ARCHITECT.

MAY 18, 1959.

Store Size 2400 sq'
60x40

Land 7500 sq'
60x125

Zoned CZ

134

Landlord:

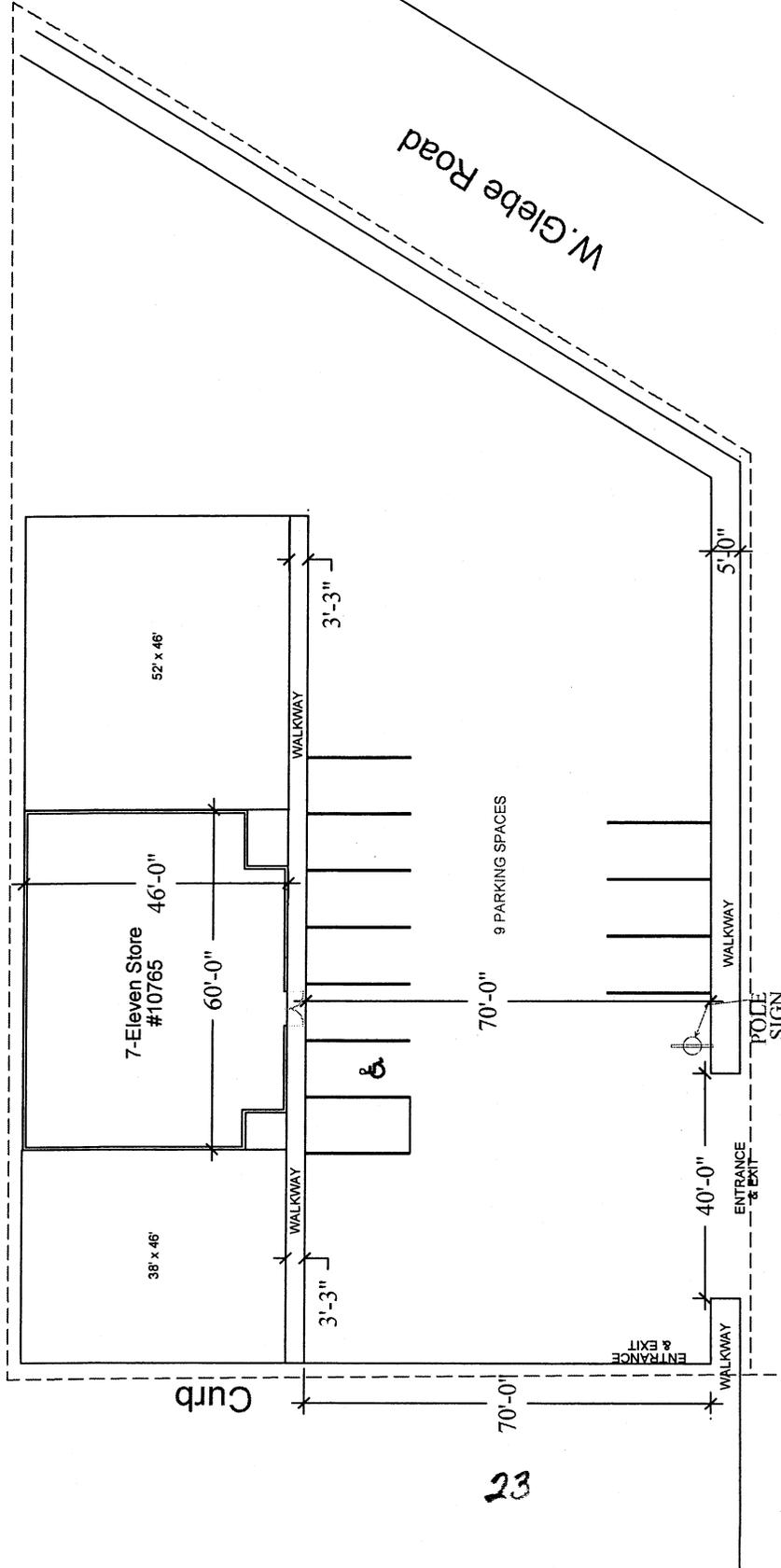
The Winfield Group
1499 Chain Bridge
Suite 201
McLean, VA 22101

703-766-8990
22



SUP 2004-0058

Metal Fence and Trash in Rear / no access



THIS IS NOT A LEGAL DOCUMENT. THE INTENT IS TO SHOW CURRENT EQUIPMENT CONFIGURATION.

7-11 Store # 10765 Market # 2554
3412 Mt. Vernon Avenue
Alexandria, VA 22305

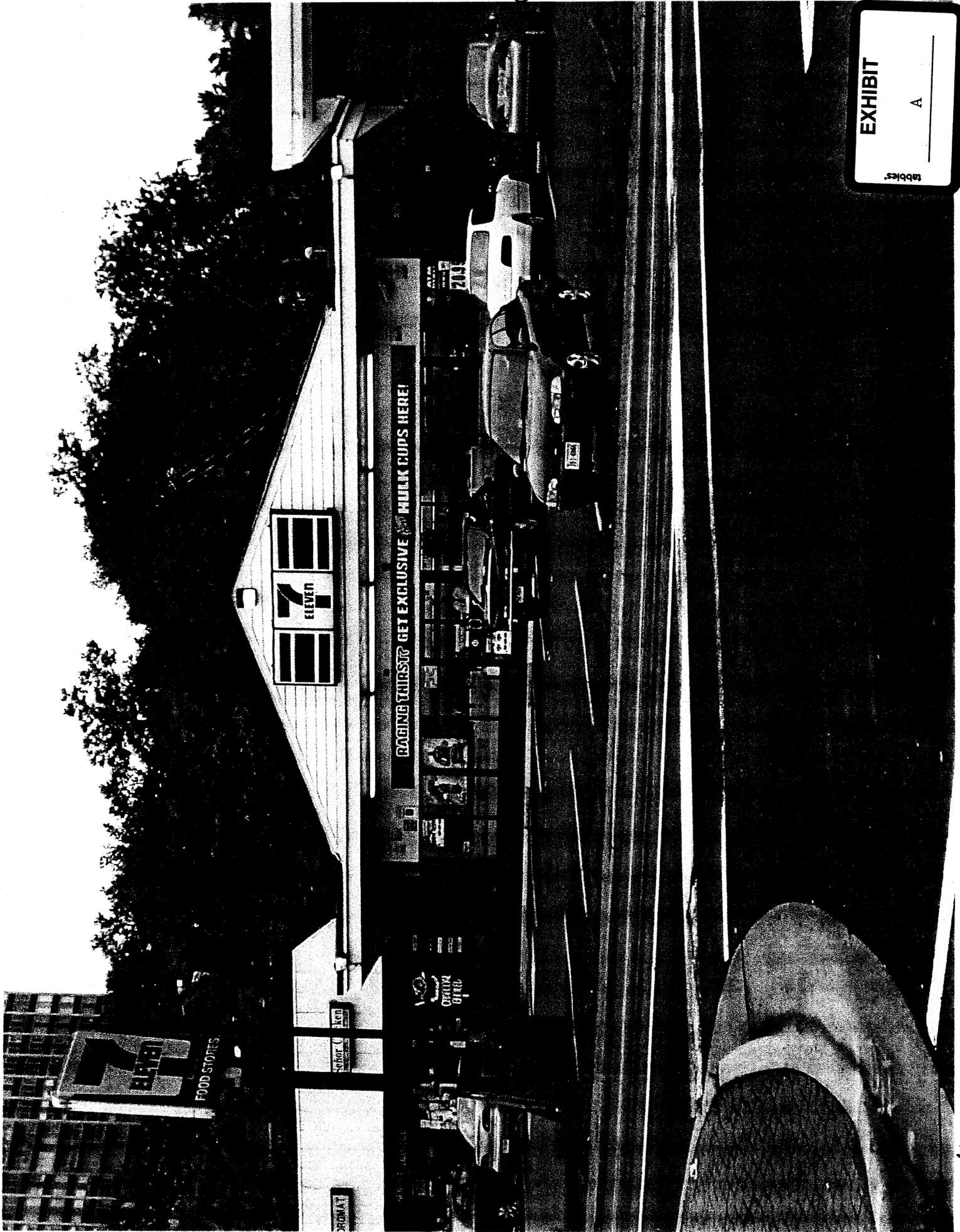
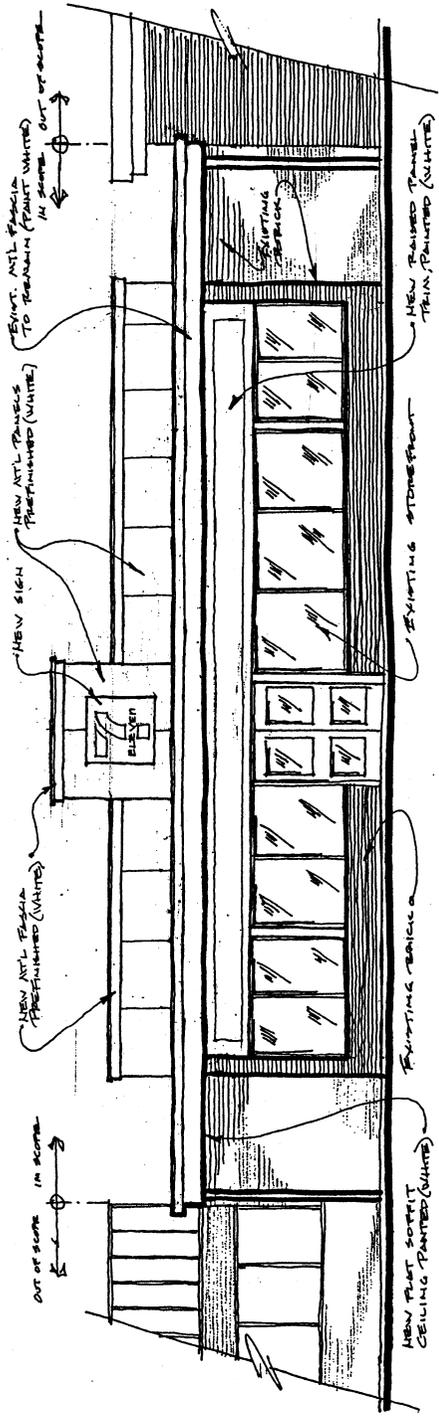


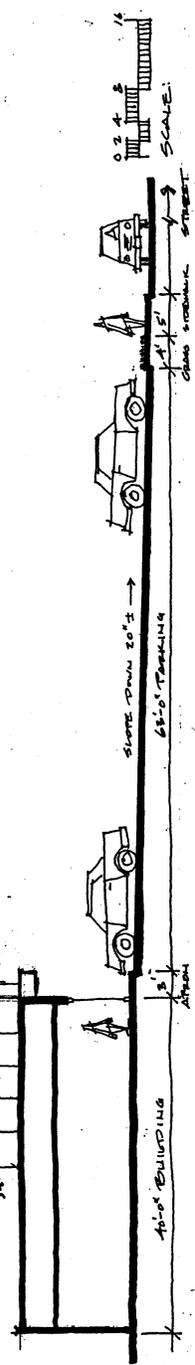
EXHIBIT
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 PLANNING & ZONING



Front Elevation
 Scale: 1/8" = 1'-0"

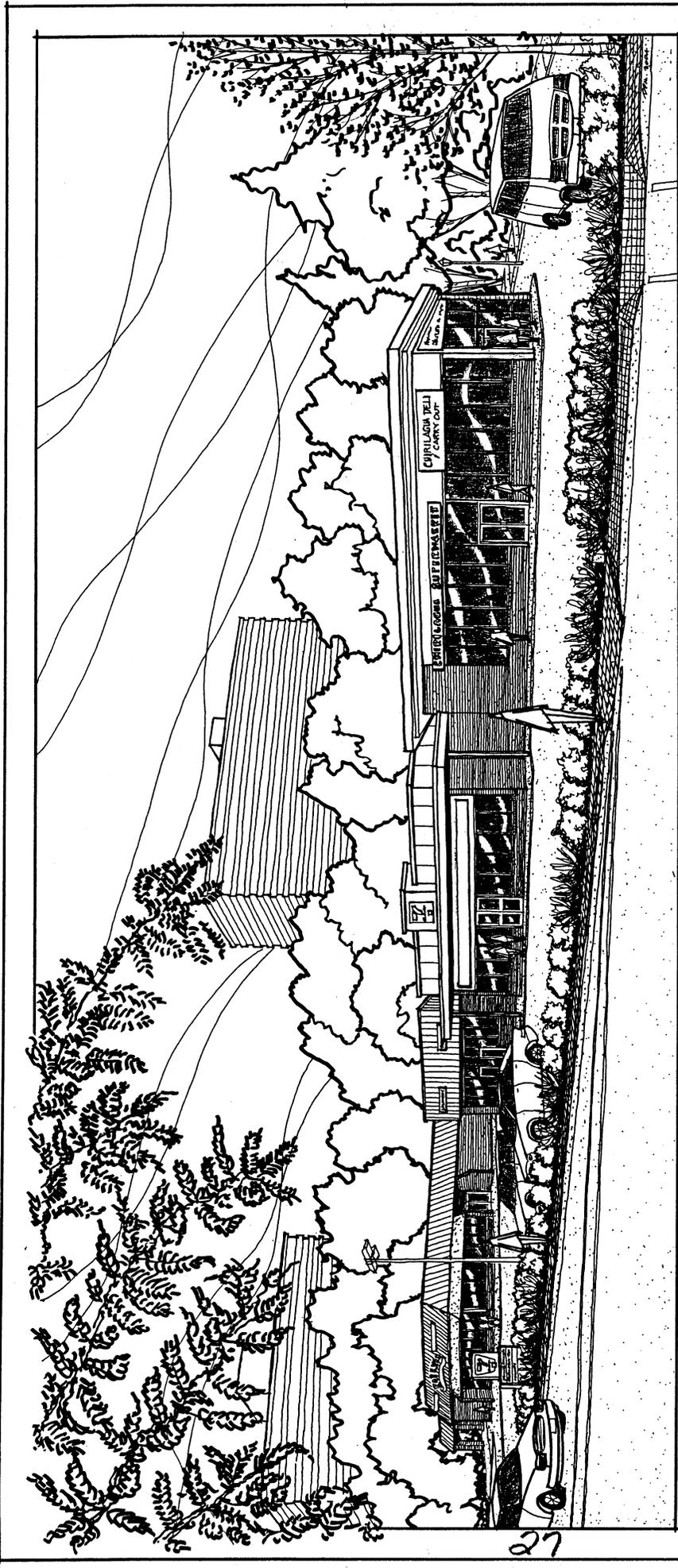


Site Section
 Scale: 1/8" = 1'-0"

7-Eleven Store
 3412 Mount Vernon Avenue

URS
 CONSULTING ENGINEERS, ARCHITECTS AND PLANNERS

REV. 11-14-04 REV. 7-1-04 5-5-04



7-Eleven Store
 3412 Mount Vernon Avenue

View Of 7-Eleven From Intersection

URS

11.58.02.02.01.01

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Del Ray Citizens Association

PO Box 2233

Alexandria VA 22301

Established 1954

To: Eileen Fogarty, Director, Office of Planning and Zoning
Members of Alexandria Planning Commission

From: Amy Slack, Land Use Committee Co-Chair
Sarah Haut, Land Use Committee Co-Chair
Justin Wilson, President

Date: January 27, 2005

Subject: SUP#2004-0058; 7-Eleven at 3412 Mt. Vernon Ave. Consideration of a request for a special use permit to operate a convenience store. Zoned CL/Commercial Low.

*PC Docket Item #5
SUP # 2004-0058*

At our meeting on January 20, the Land Use committee heard from Mr. Maynard Sipe, attorney for the applicant. Mr. Sipe had met with us numerous times previously beginning in July 2004. In September he had updated us on the discussions with staff.

The item was announced in the Association newsletter several times. We've received no inquiries or concerns in the matter.

This 7-Eleven convenience store has been a fixture in the community for many years, the past several as a non-conforming use. Action by City Council allows 7-Eleven stores citywide to continue operation under an SUP, and thereby replace or upgrade equipment and invest in site improvements. The streetscape improvements proposed here will greatly improve the site appearance and pedestrian experience.

Our discussion focused on two issues, proposed façade improvements and the proposed monument sign. The applicant has worked with staff and the property owner to improve the site conditions and update the façade. We believe the revised drawings, dated 11.1.04, to be reasonable and provide a pattern for redevelopment of the entire shopping center.

There is concern that the sign band, located below the roof canopy, remains too prominent. We suggest that metal panels, indicated as being used on the fascia/parapet walls that the sign is on, be repeated over the sign band in lieu of the proposed treatment. This would help give the design a more modern feel, which seems to be what staff is trying to achieve as suggested by their concept drawing. Mr. Sipe agrees with our suggestion.

The committee is concerned by the vehicular volume, speeds, turning patterns, and visibility at the driveway entrance. We believe the consolidated sign preferred by staff, creates excess visual clutter. We prefer a smaller sign and agree with the applicant's suggestion to locate a monument sign on the east side of the entrance driveway under the existing pole sign for Senor Chicken a la Brasa.

Should the Commission require replacement of all the existing pole signs with a single monument sign, we'd prefer to see a more simplified version than was presented to us. Also we'd like to see the pole mounted Senor Chicken sign saved and reused; possibly relocated to the restaurant and mounted in a manner similar to 7-Eleven's façade sign.

The committee recommended support for the request with conditions normally requested by staff and *with the aforementioned suggestions.*

At their January 27 meeting, the Executive Board supported the committee recommendation. In addition, they requested pedestrian scale lighting be installed, to complement the Landover path improvements, in lieu of cobra head light heads depicted in the revised drawings.

We request your support for this position and welcome your questions and comments. Please feel free to contact Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060 and President Justin Wilson at 703-299-1576.

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APPLICATION for SPECIAL USE PERMIT # 2004-0058

[must use black ink or type]

PROPERTY LOCATION: 3412 Mt. Vernon Avenue, Alexandria

TAX MAP REFERENCE: 15.01-08-07 ZONE: CG

APPLICANT Name: 7-Eleven, Inc.

Address: 5300 Shawnee Road, Alexandria, VA 22312

PROPERTY OWNER Name: William S. Oshinsky c/o Winfield Group

Address: 1499 Chain Bridge Road, McLean, VA 22101

PROPOSED USE: convenience store

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Michael R. Vanderpool, Esquire

Maynard Sipe, Esquire

Print Name of Applicant or Agent

Vanderpool, Frostick & Nishanian, P. C.
9200 Church Street, Suite 400

Mailing/Street Address

Manassas, VA 20110
City and State Zip Code

Signature

[Handwritten Signature]

703-369-4738
Telephone #

703-369-3653
Fax #

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____
ACTION - PLANNING COMMISSION: 2/1/2005 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 2/12/05 CC approved the Planning Commission recommendation 7-0
(see attached)

Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

4. SPECIAL USE PERMIT #2004-0058
 3412 MOUNT VERNON AVENUE (Parcel Address: 3408 Mt. Vernon Avenue)
 7-ELEVEN, INC.

Public Hearing and Consideration of a request for a special use permit to operate a nonconforming convenience store use; zoned CG/Commercial General. Applicant: 7-Eleven, Inc. by Maynard Sipe, attorney

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of Planning Commission report dated February 1, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No.1 of Item No. 4, 2/12/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council closed the public hearing. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council approved the Planning Commission recommendation with amendments to condition #11 to include pedestrian scale lighting to complement the Landover path improvements, in lieu of cobra head light heads depicted in the revised drawings and the modification of condition #5 to include fortified beer with staff discretion at setting the alcohol content. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

5. SPECIAL USE PERMIT #2004-0101