

DOCKET ITEM #3

**Special Use Permit #2011-0010**  
**503 King Street – CVS Drug Store**

Application	General Data	
Consideration of a request to operate a retail drugstore of over 10,000 square feet in a first-floor tenant space.	<b>Planning Commission Hearing:</b>	May 3, 2011
	<b>City Council Hearing:</b>	May 14, 2011
<b>Address:</b> 503 King Street	<b>Zone:</b>	KR/King Street Retail
<b>Applicant:</b> CVS/Caremark, Inc. represented by Eugene Harris, agent	<b>Small Area Plan:</b>	Old Town

**Staff Recommendation:** APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

**Staff Reviewers:** Nathan Randall [nathan.randall@alexandriava.gov](mailto:nathan.randall@alexandriava.gov)

**CITY COUNCIL ACTION, MAY 14, 2011:** City Council deferred consideration of the Special Use Permit until the next regular public hearing (June 25<sup>th</sup>) at the applicant's request.

**PLANNING COMMISSION ACTION, MAY 3, 2011:** On a motion by Commissioner Wagner, seconded by Commissioner Lyman, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and with amendments to Condition #2 regarding increased hours of operation and Condition #15 regarding the implementation of a security plan prior to any increase in the hours of operation. The motion passed on a unanimous vote.

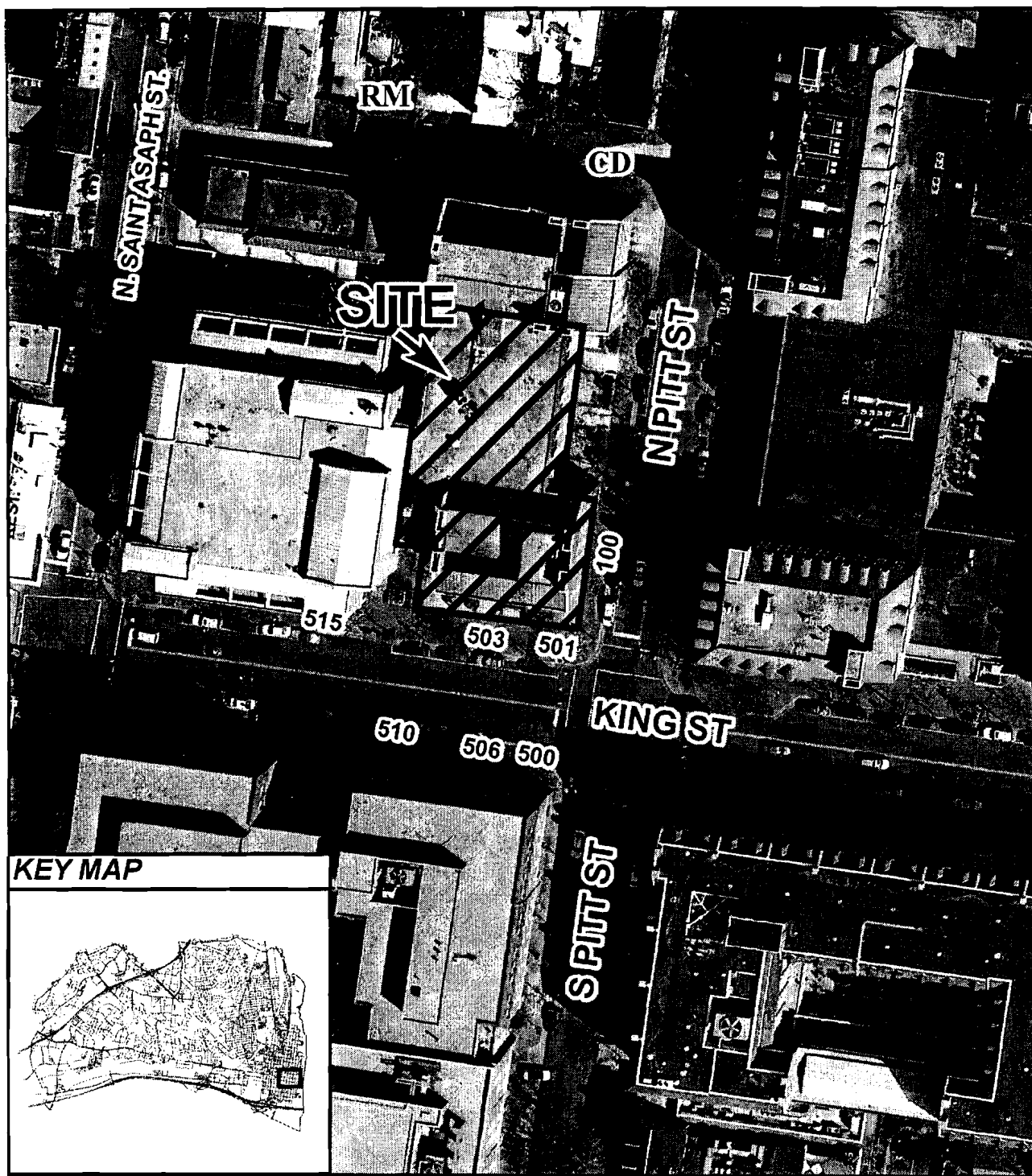
**Reason:** The Planning Commission agreed with the applicant's request to extend the hours of operation up to 24 hours/day provided that: 1) the pharmacy hours of operation are also increased to match the rest of the store, which would provide an additional benefit to the public and 2) the applicant implement a security plan approved by the Alexandria Police Department prior to any extension of the hours of operation.

**Speakers:**

Kevin McGhee of the Velmeir Company, representing the applicant, spoke in favor of the request and asked the Planning Commission to approve hours of operation for 24 hours/day and

SUP #2011-0010  
503 King Street

to remove a portion of Condition #4 regarding windows providing open views into the store. Seritta Shotte, Old Town resident, spoke in favor of increased hours of operation for the pharmacy portion of the business.



SUP#2011-0010

5/3/2011



## I. DISCUSSION

The applicant, CVS/Caremark, Inc., represented by agent/contractor Eugene Harris, requests Special Use Permit approval for a retail drug store of more than 10,000 square feet in a first-floor space at 503 King Street, previously occupied by the Books-A-Million bookstore.

### SITE DESCRIPTION

The subject tenant space is located on the first floor of a four-story office building, known as Bankers' Square, at the corner of King and North Pitt Streets. Banker's Square is located on one "L-shaped" lot of record with frontage on King, North Pitt and North Saint Asaph Streets.



The surrounding area is comprised of a mix of commercial, institutional and residential uses. The Helen Olivia flower shop and residential townhouses are located to the north. The Tavern Square building, with mixed office and commercial uses including Pat Troy's Restaurant, is located immediately to the east. The Alexandria Courthouse and adjacent retail and office tenants are located to the south across King Street. SunTrust Bank is located immediately to the west.

### BACKGROUND

Banker's Square was developed under an urban renewal plan (officially known as Gasby's Urban Renewal Plan Phase Two) and a site plan (SIT#68-0033) in 1969. The property was rezoned to KR/ King Street Retail in June 2005. The Books-A-Million bookstore and a travel agency have been located in the subject space until recently. The bookstore, with 10,500 square feet of space, opened in 2003 prior to the requirement that retail establishments of over 10,000 square feet obtain SUP approval. As to that use, the space is noncomplying and allowed to continue under Section 6-702(D)(1) of the Zoning Ordinance. The travel agency includes approximately 536 square feet of space.

### PROPOSAL

CVS proposes to occupy the combined 11,036 square-foot space with a retail drugstore, and to close its existing CVS store across from Market Square at 326 King Street. In addition to the pharmacy, the drugstore will sell a range of retail products including health, beauty, and food items. An expanded area near the front of the store will be reserved for pre-packaged, ready-to-eat foods such as sandwiches and salads as well as beverages, including off-premises alcohol. Additional elements of the applicant's proposal are as follows:

<u>Hours of Operation:</u>	24 Hours/Day
<u>Customers:</u>	Between 10-50 customers/hour
<u>Employees:</u>	Between 8-12 employees per eight-hour shift
<u>Alcohol:</u>	Off-premises alcohol
<u>Trash:</u>	Trash will be collected from dumpsters once or twice each week
<u>Odors/Noise:</u>	No odors or noises are anticipated
<u>Loading/Unloading:</u>	Loading facilities are located behind the tenant space adjacent to a rear alley accessed from North Saint Asaph Street

#### ZONING/MASTER PLAN DESIGNATION

The subject property is zoned KR / King Street Retail. Section 6-702(B)(2)(1) of the Zoning Ordinance allows a retail establishment of over 10,000 on the first floor only with Special Use Permit approval. A retail use could continue to operate in the 10,500-square foot space occupied by Books-A-Million, consistent with Sections 6-702(D)(1) and 12-302(B) of the Zoning Ordinance. However, by including the travel agency space, the drug store proposal represents an expansion of the existing use and triggers the Special Use Permit requirement.

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for office and commercial uses. There are issues with regard to the King Street Retail Strategy chapter of the Master Plan, which are discussed below.

#### PARKING

This property is located in the Central Business District (CBD). According to Section 8-300(B) of the Zoning Ordinance, the off-street parking requirements of the Zoning Ordinance do not apply within the boundaries of an urban renewal project such as Bankers' Square. Off-street parking, as required by Site Plan #68-0033, is located in the lower-level garage. The applicant has provided three parking spaces in this garage for its employees.

## II. STAFF ANALYSIS

Staff is concerned about a large, retail chain establishment opening on King Street. However, chiefly because the space already exists, and because it will offer additional convenience and an expanded range of products for neighborhood residents, workers, and visitors, staff is recommending approval with conditions. The tenant space is within a relatively modern building that offers parking and an off-street loading area and that provides some buffer, in the form of an arcade and additional offices to the rear, between the retail use and nearby residences.

### **SUP Requirement: Large-footprint Retail Establishments**

Drug stores such as CVS and other retail establishments ordinarily do not require Special Use Permit approval in Alexandria. Furthermore, the Books-A-Million space appears to be the only existing retail location on King Street with more than 10,000 square feet of space on the first-floor space. The existing CVS at 326 King has approximately 5,400 square feet of space. This request represents the first SUP required for a retail tenant with over 10,000 square feet of first-floor space since the establishment of the KR zone six years ago.

The unique KR zone requirement implements recommendations contained in the 2005 King Street Retail Strategy, including:

- small, independently-owned businesses should be encouraged on King Street as a general matter and;
- chain stores shall provide attractive, inviting storefront facades that will be compatible with the character of the surrounding area.

It is through the Special Use Permit process, aided by the presence of historic district design guidelines, that the City has the opportunity to assess whether a retail store with a large first-level floor-plate (over 10,000 square feet) is appropriate at a given location and to require attractive, inviting façade treatments consistent with the character of the neighborhood.

### **Compatibility**

Staff has some concern, which has also been voiced by the Old Town Civic Association, that the overall size of the proposed CVS, its status as a national chain, and its initial façade proposal could yield a “mini big-box” store typically found in suburban areas and incompatible with the character of Old Town. As a cumulative matter, and in general, larger-sized chain stores could also crowd out the small retail stores typical of Old Town and encouraged in the Strategy.

However, in this case, the existing retail space already exists. The CVS proposal represents a continuation of an existing retail use. While it is true that CVS is adding to the size of the space by also occupying the adjacent travel agency space, that space is only 500 square feet and represents a very slight increase in size. Further, while it is unfortunate to see the bookstore close, the prior use, Books-A-Million, was also a national chain. The CVS proposal does not, therefore, appreciably increase the overall presence of large-footprint, chain uses on King Street.

While there is potential for large retail uses to crowd out the smaller businesses, and the City needs to remain vigilant on this point, large retail businesses have not reached a problem level at this time. No other retail establishment on King Street occupies over 10,000 square feet of first-floor space. By comparison, J&J Oriental Rug Company at 1200 King occupies approximately 8,000 square feet of first-floor space, while Walgreen's at 615 King Street and the Gap Outlet at 622 King occupy approximately 5,100 and 5,000 square feet of first floor space, respectively.

### **Storefront Appearance**

The appearance of the proposed CVS storefront is an important element of this case. An attractive façade with limited signage will differentiate this CVS from other, more suburban-style locations and enhance its compatibility with the character of the surrounding area. Attractively-designed façade treatments are also an important component in creating a vital retail environment and one that provides shoppers with an active and inviting pedestrian experience. Both points are raised as goals in the King Street Retail Strategy.

The applicant has submitted façade and interior plans but its most recent proposal is not consistent with the Old & Historic Alexandria Design Guidelines. While some elements of the plan are supportable, such as the front awnings and the wall signage, it also contains several windows proposed to be fully blocked, often by false walls or other equipment, on which uninspired photographs and several "24 Hour" signs would be hung. The O&HAD Design Guidelines recommend against window signs or tinting from obscuring the interior view of a retail establishment. The King Street Retail Strategy recommends that new storefronts have a minimum of 75% glass to provide transparency into the business and help create an active, enjoyable and varied visual experience while moving along the street.

Staff has worked closely with the applicant in an attempt to achieve an attractive façade treatment consistent with the historic district design guidelines and to move closer to the 75% open view recommendation found in the Strategy. Although the applicant has made some revisions, its proposals have not fully responded to staff concerns. Staff has therefore included special condition language (Condition #4) requiring open views into the store in order to achieve stated storefront design goals. This condition language will work in tandem with the O&HAD Guidelines and the BAR's ultimate approval of the facade.

The resulting storefront and signage plan, both of which are subject to final approval by the BAR, are expected to largely prevent the blocked windows often found at other CVS locations and will provide a more interesting pedestrian experience along these longer-than-average façades on King and Pitt Streets.

### **Hours of Operation**

A drug store proposing to operate 24 hours/day, while offering added convenience to residents, has the potential to create neighborhood impacts. After extended discussion at the Planning Commission on this point, the Planning Commission recommended approval of the SUP with the requirement that in order to have a 24 hour operation, the applicant be required to:

1. operate the pharmacy portion of the store consistent with the hours for the remainder of the store, and

2. provide security arrangements acceptable to the Police Department.

The Commission was concerned about the potential for late night crime on the one hand and with providing an important convenience, the pharmacy, for citizens.

Since the Planning Commission hearing, Planning staff, the Police and representatives of the applicant have discussed the issue further and determined that there is no staff objection to a 24 hour operation, provided CVS complies with a series of new, and more specific security-related conditions. First, the applicant should be required to implement all suggested security improvements that will arise from the security assessment to be conducted on the premises (Condition #15). CVS should also be required to participate in the prosecution of all offenders and in the Police Department's Barment Program (Conditions #16 and #17). Finally, while the Police have no position on the question of a late-night pharmacy, if there were to be one, security personnel would be required as outlined in Condition #18. The newly recommended conditions make more specific the Commission's concern about security arrangements. With these conditions, staff supports the 24 hour operation.

Staff has also included conditions regarding off-premises alcohol and parking. Condition #5 prohibits single-sales of alcohol, which is a standard condition placed on restaurants and retail establishments requesting SUP approval with off-premises alcohol. Condition #12 requires the applicant to provide three off-street parking spaces for employees, as suggested by the applicant.

Staff finds that, subject to several standard and special conditions which may be found in Section III of this report, an expanded and relocated CVS drug store is appropriate for this location along King Street and recommends approval.

### 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. **CONDITION AMENDED BY PLANNING COMMISSION: The hours of operation shall be limited to between 6:00am and 10:00pm daily. The hours of operation may be increased to up to 24 hours/day provided that these hours coincide with the hours of operation for the pharmacy portion of the business. (PC) (P&Z) (Police)**
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. Windows at the site shall provide open views into the drug store from the street and shall not be tinted, opaque or otherwise obstructed, except as approved by the Board of Architectural Review. Unless otherwise prohibited by the Board of Architectural Review, low-level, well-maintained and regularly-updated window displays may be permitted in any windows or door areas approved by the BAR to be blocked. (P&Z)



5. Off-premises alcohol sales is permitted, subject to approval from the Virginia Alcohol Board of Control. 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. (P&Z)(Police)
6. 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)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. 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)
9. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
10. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (T&ES)
11. 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)
12. The applicant shall provide a minimum of three (3) off-street parking spaces for employee parking. (T&ES)
13. 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)
14. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
15. **CONDITION AMENDED BY PLANNING COMMISSION AND REVISED BY STAFF AFTER PLANNING COMMISSION MEETING:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business and a robbery readiness program for all employees. The applicant shall implement all recommendations by police as a result of the security assessment. ~~Prior to any increase in hours of operation at the store and~~

~~pharmacy as permitted by Condition #2, the applicant shall implement a security plan acceptable to and approved by the Alexandria Police Department. (PC) (Police)~~

16. **CONDITION RECOMMENDED BY STAFF AFTER PLANNING COMMISSION MEETING:** The applicant shall fully cooperate and participate in the prosecution of all offenders. (Police)
17. **CONDITION RECOMMENDED BY STAFF AFTER PLANNING COMMISSION MEETING:** The applicant shall fully cooperate and participate in the Police Department's Barment Program. (Police)
18. **CONDITION RECOMMENDED BY STAFF AFTER PLANNING COMMISSION MEETING:** If there is an all-night pharmacy, the applicant shall: (1) engage in a contract with the Alexandria Police Association to hire back off duty police officers to work a security detail under standard detail provisions or (2) engage in a similar contract with a qualified private company authorized to provide armed security services. In either case the security shall be provided seven (7) days a week between the hours of 10:00 p.m. – 6:00 a.m. or until the actual closing time if earlier than 6:00 a.m. (Police)
19. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, 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 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. (P&Z) (Police)

**STAFF:** Barbara Ross, Deputy Director, Department of Planning and Zoning;  
Nathan Randall, 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:

- R-1 All 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 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-3 The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (T&ES)
- R-4 The applicant shall provide a minimum of three (3) off-street parking spaces for employee parking.
- R-5 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)
- R-6 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)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 519-3486, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)
- 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. (T&ES)

Code Enforcement:

- C-1 A building permit will be required to be issued prior to the start of this work.
- C-2 Five sets of sealed drawings will be required to be submitted for review prior to issuance of the building permit.

Health:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$200.00 fee for review of plans for food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.

Parks and Recreation:

- F-1 No Comment

**Police Department UPDATED COMMENTS:**

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business.

The applicant shall implement all recommendations by police as a result of the security assessment.

- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery readiness program for all employees.

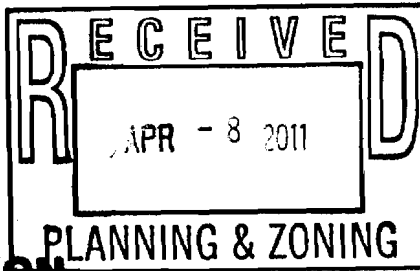
- R-3 The applicant shall fully cooperate and participate in the prosecution of all offenders.

- R-4 The applicant shall fully cooperate and participate in the Police Department's Barment Program.

- R-5 If there is an all-night pharmacy, the applicant shall (1) engage in a contract with the Alexandria Police Association to hire back off duty police officers to work a security detail under standard detail provisions or (2) engage in a similar contract with a qualified private company authorized to provide armed security services. In either case the security

shall be provided seven (7) days a week between the hours of 10:00 p.m. – 6:00 a.m. or until the actual closing time if earlier than 6:00 a.m.

- R-6 The applicant is seeking an “ABC Off” license only. The Police Department has no objections to the sale of alcohol off premise subject to 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.



REVISED



**APPLICATION**  
**SPECIAL USE PERMIT**

**SPECIAL USE PERMIT #** 2011-0010

**PROPERTY LOCATION:** 503 King Street, Alexandria, VA 22314

**TAX MAP REFERENCE:** 074.02-04-02 **ZONE:** KR

**APPLICANT:**  
**Name:** CVS / Caremark, Inc.

**Address:** 8330 Old Keene Mill Rd Springfield, VA 22152

**PROPOSED USE:** CVS/pharmacy Store #2149

[  ] **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[  ] **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 IV, Section 4-1404(D)(7) 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 Director of Planning and Zoning 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.

Edward Harris  
Print Name of Applicant or Agent  
5757 W. Maple Road, Suite 800  
Mailing/Street Address  
West Bloomfield, MI 48322  
City and State Zip Code

[Signature] 2/8/11  
Signature Date  
248-539-7997 248-539-9449  
703-346-5293  
Telephone # Fax #  
gharris@valmeir.com  
Email address

ACTION: PLANNING COMMISSION	DATE:
ACTION: CITY COUNCIL	DATE:

SUP # 2011-0010

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of Bankers Square Associates, I hereby  
(Property Address)  
grant the applicant authorization to apply for the CVS Retail Store use as  
(use)  
described in this application.

Name: Lawrence E. Kahan Phone: (703) 299-0029  
Please Print  
Address: 2331 Mill Road, Suite 150 Email: lkahan@simpsondev.com  
Alexandria, VA 22314  
Signature: *Lawrence Kahan* Date: February 14, 2011

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

- Required floor plan and plot/site plan attached.
- Requesting a waiver. See attached written request.

2. The applicant is the (check one):

- Owner
- Contract Purchaser
- Lessee or
- Other: Developer of the subject property.

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

---

---

---

---

**OWNERSHIP AND DISCLOSURE STATEMENT**

Use additional sheets if necessary

**1. Applicant.** 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Eugene Harris	5230 St. ... Alexandria, VA 22312	100%
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 501 King Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. BARKER SPONSOR ASSOCIATES	2331 Mill Road, Suite 150, Alexandria, VA 22314	100%
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Eugene Harris	NA	✓
2. Barker Sponsor Associates	NA	✓
3.		

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

4/15/11  
Date

Eugene Harris  
Printed Name

  
Signature



## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.	C/S/Caremark	8300 Old Keene Mill Rd	PP owned held,
2.		Springfield, VA	more than 10%
3.			

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at \_\_\_\_\_ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.			
2.			
3.			

**3. Business or Financial Relationships.** Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

	Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.			
2.			
3.			

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

4/14/11  
Date
Ernest Harris  
Printed Name
[Signature]  
Signature

SUP # 2011-0010

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.

**NARRATIVE DESCRIPTION**

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

Construction of a new 11036 SF CVS Retail and Pharmacy Store

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

4 17

SUP # 2011-0010

**USE CHARACTERISTICS**

4. The proposed special use permit request is for (check one):
- a new use requiring a special use permit,
  - an expansion or change to an existing use without a special use permit,
  - an expansion or change to an existing use with a special use permit,
  - other. Please describe: \_\_\_\_\_

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).
- \_\_\_\_\_
- Varies by time of day but minimum 10 and maximum of 50
- B. How many employees, staff and other personnel do you expect?  
Specify time period (i.e., day, hour, or shift).
- (12) during time frames noted in #6 below.
- \_\_\_\_\_
- 8-12 per eight hour shift

6. Please describe the proposed hours and days of operation of the proposed use:
- |   |   |
|---|---|
| <p>Day:<br/>Store will operate 24/7</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> | <p>Hours:<br/>Store will operate 24/7</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
|---|---|

7. Please describe any potential noise emanating from the proposed use.
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
- n/a
- \_\_\_\_\_
- \_\_\_\_\_
- B. How will the noise be controlled?
- n/a
- \_\_\_\_\_
- \_\_\_\_\_

SUP # 2011-0010

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

n/a

---

---

---

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? (i.e. office paper, food wrappers)

1-2 4 CY dumpsters per week - majority is cardboard which will be baled internally

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

1-2 4 CY dumpsters per week - majority is cardboard which will be baled internally

C. How often will trash be collected?

1-2 times per week

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

Trash receptacles at entrances as required employees will police area around store

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:

---

None

---

SUP # 2011-0010

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:

N/A

---

---

---

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

N/a

---

---

---

**ALCOHOL SALES**

13.

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

Yes       No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

Beer and Wine only for off site consumption

---

---

---

---

**PARKING AND ACCESS REQUIREMENTS**

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

- \_\_\_\_\_ Standard spaces
- \_\_\_\_\_ Compact spaces
- \_\_\_\_\_ Handicapped accessible spaces.
- \_\_\_\_\_ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A \_\_\_\_\_

Does the application meet the requirement?  Yes  No

B. Where is required parking located? (check one)

on-site

off-site

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

Urban location - 3 spaces will be leased in building garage for staff - customers will utilize neighborhood street and garage

**PLEASE NOTE:** 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.

C. 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.

Parking reduction requested; see attached supplemental form

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

A. How many loading spaces are available for the use? 1

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 \_\_\_\_\_

Does the application meet the requirement?  Yes  No

SUP # 201-0010

B. Where are off-street loading facilities located? At rear of building.

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

Between 7 AM and 4 PM

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

2 to 3 times per week

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?

n/a

### 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? \_\_\_\_\_ square feet.

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

11,036 sq. ft. (existing) + 0 sq. ft. (addition if any) = 11,036 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: Bankers Square

other. Please describe: \_\_\_\_\_

End of Application

3.2.2011

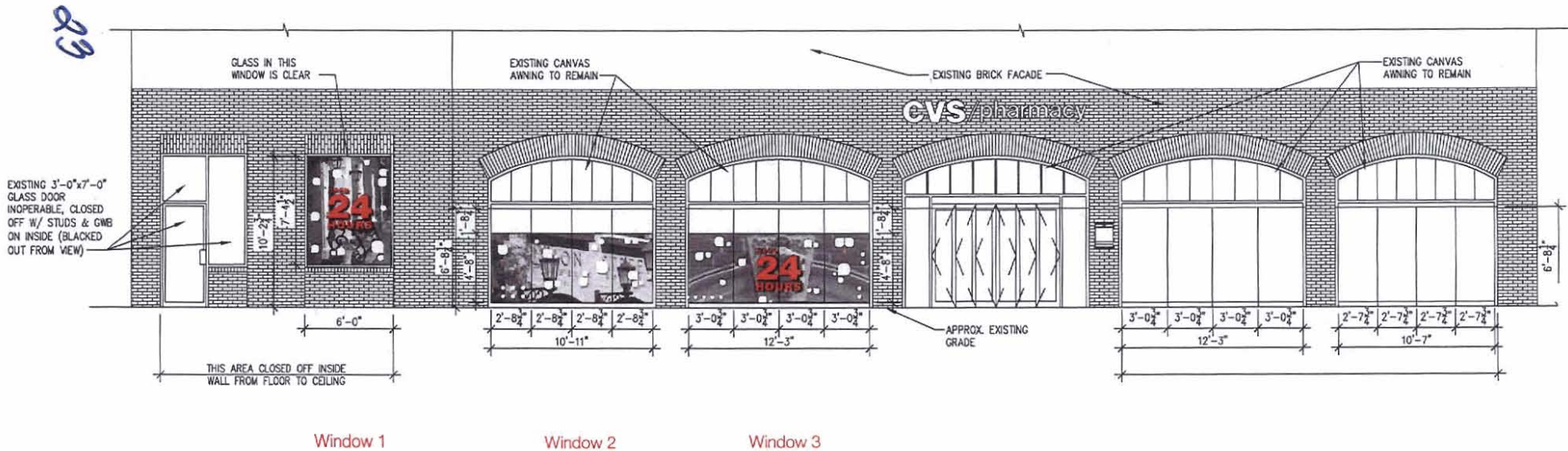
**STANDARD STORE**

STORE 2149: 503 KING STREET ALEXANDRIA, VA 22314

**KING ST. ELEVATION - HISTORIC**

TWO LAYER INSTALLATION

**OPEN**  
**24**  
**HOURS**  
 3'  
 3'  
 ALL 24 HOUR LOGOS



1 PROPOSED KING ST. ELEVATION  
 A-4.1 SCALE: 9/32"=1'-5"





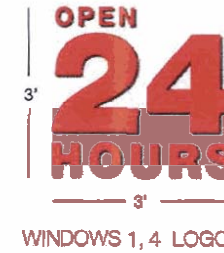
# Store Windows Graphic Program

3.2.2011

## STANDARD STORE

STORE 2149; 503 KING STREET ALEXANDRIA, VA 22314

PITT ST. ELEVATION - HISTORIC  
TWO LAYER INSTALLATION



h2c

Window 1 Window 2

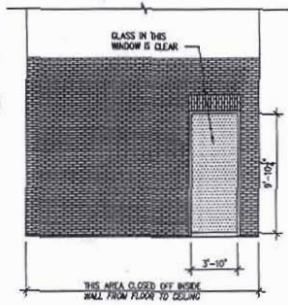
Window 3 Window 4  
clear glass

Window 5 Window 6 Window 7  
clear glass  
open to retail

Window 8 Window 9

2 PROPOSED N. PITT ST. ELEVATION  
A-4.1 SCALE: 3/16"=1'-0"

3 LEFT SIDE ELEVATION  
A-4.1 SCALE: 3/16"=1'-0"  
NO GRAPHICS LEFT SIDE ELEVATION



Window 10

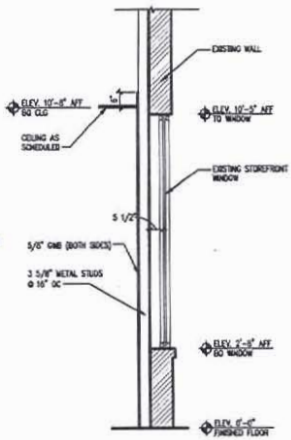
3.2.2011

**STANDARD STORE**

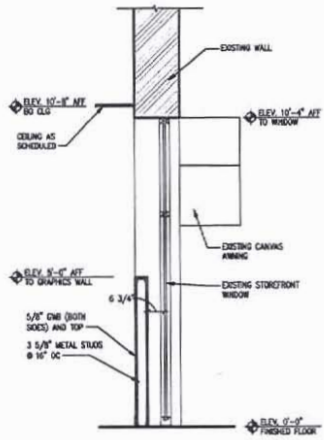
STORE 2149: 503 KING STREET ALEXANDRIA, VA 22314

**WALL SECTIONS**

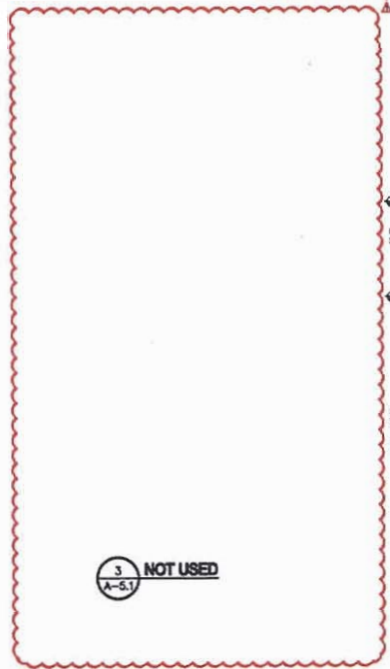
05



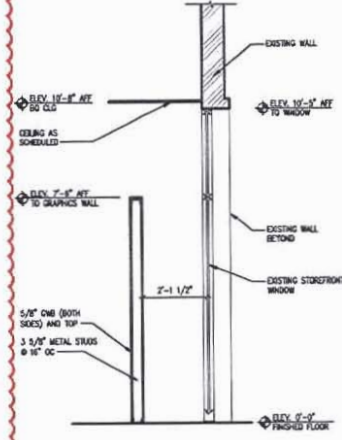
**1 WALL SECTION**  
A-5.1 SCALE: 1/4" = 1'-0"



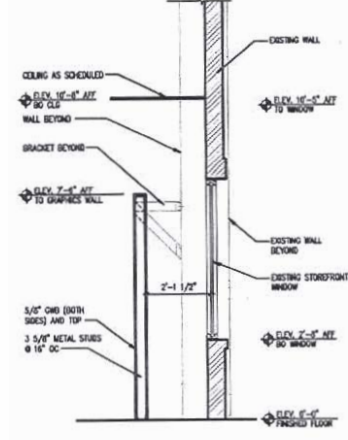
**2 WALL SECTION**  
A-5.1 SCALE: 1/4" = 1'-0"



**3 NOT USED**  
A-5.1



**4 WALL SECTION**  
A-5.1 SCALE: 1/4" = 1'-0"



**5 WALL SECTION**  
A-5.1 SCALE: 1/4" = 1'-0"

3.2.2011

**STANDARD STORE**

STORE 2149: 503 KING STREET ALEXANDRIA, VA 22314

**PHOTOGRAPHY**

King Street Elevation - Old Town Building Details



Window 1



Window 2



Window 3

Pitt Street Elevation - Old Town and Alexandria Building Details



Window 1



Window 2



Window 4



Window 5



Window 6



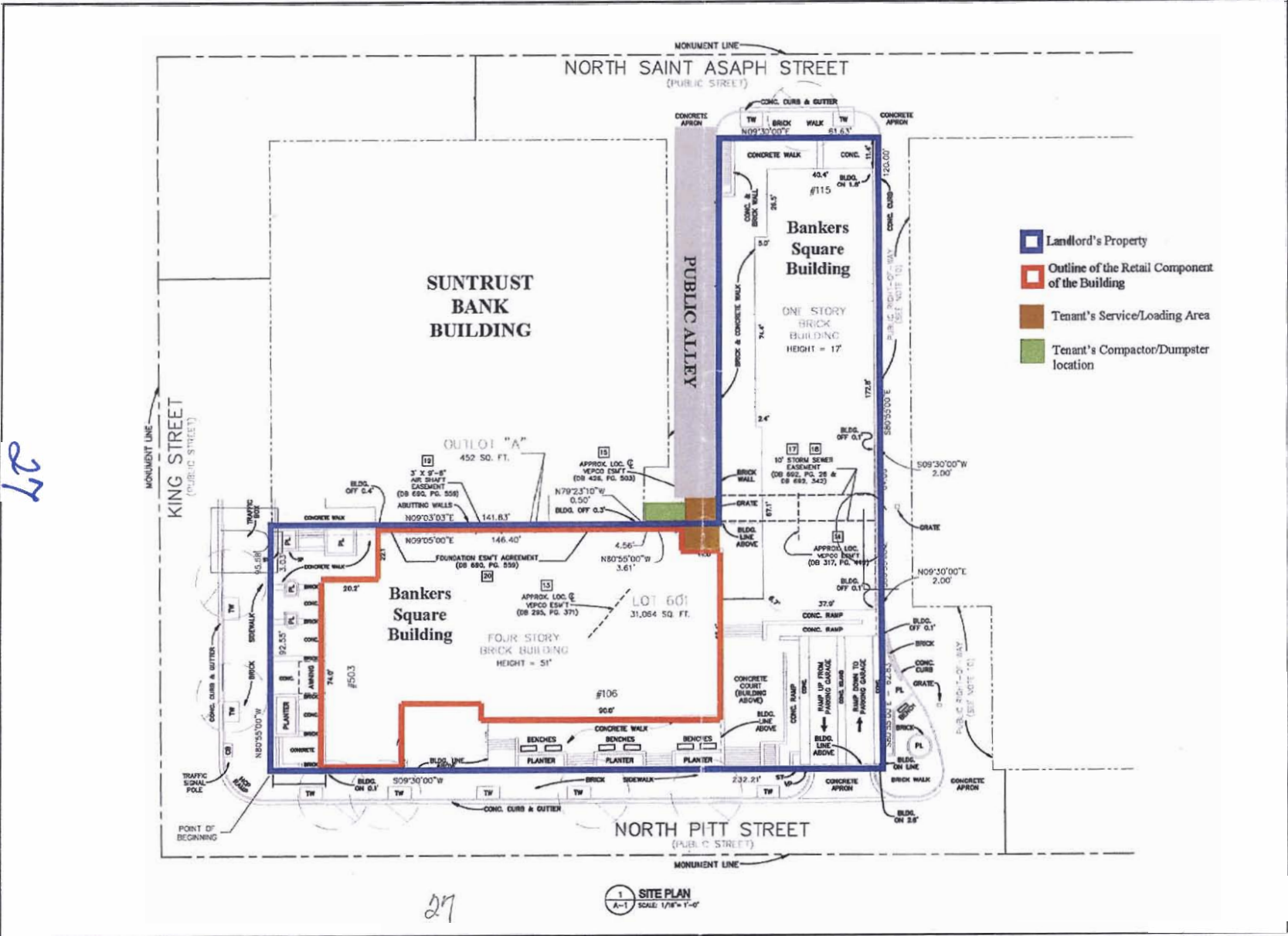
Window 8



Window 9



Window 10



27

27

1 SITE PLAN  
A-1 SCALE: 1/8" = 1'-0"

- Landlord's Property
- Outline of the Retail Component of the Building
- Tenant's Service/Loading Area
- Tenant's Compactor/Dumpster location

**Larson Design Group**

1030 Commerce Park Drive  
Suite 201  
Williamsport, PA 17701  
Phone: 570.323.6603  
Fax: 570.323.9902  
www.larsondesigngroup.com  
ARCHITECTS ENGINEERS SURVEYORS

CONSULTANT:

SCALE:

**CVS/  
pharmacy**

PROJECT TYPE: **RELO** AS-S  
A-TYPICAL  
STORE NUMBER: **2149**  
RINO ST. & PITT ST.  
ALEXANDRIA, VA

DEVELOPER:

THE VULMER COMPANIES  
5757 WEST MAPLE RD.  
WEST BLOOMFIELD, MI  
TEL: (248) 539-7997  
FAX: (248) 539-9449

REVISIONS:

LAYOUT COORDINATOR: \_\_\_\_\_

CONSTRUCTION MGR. J. BARTKO

DRAWING BY: BOC

DATE: 02 FEB 2010

JOB NUMBER: 6556-018

TITLE: \_\_\_\_\_

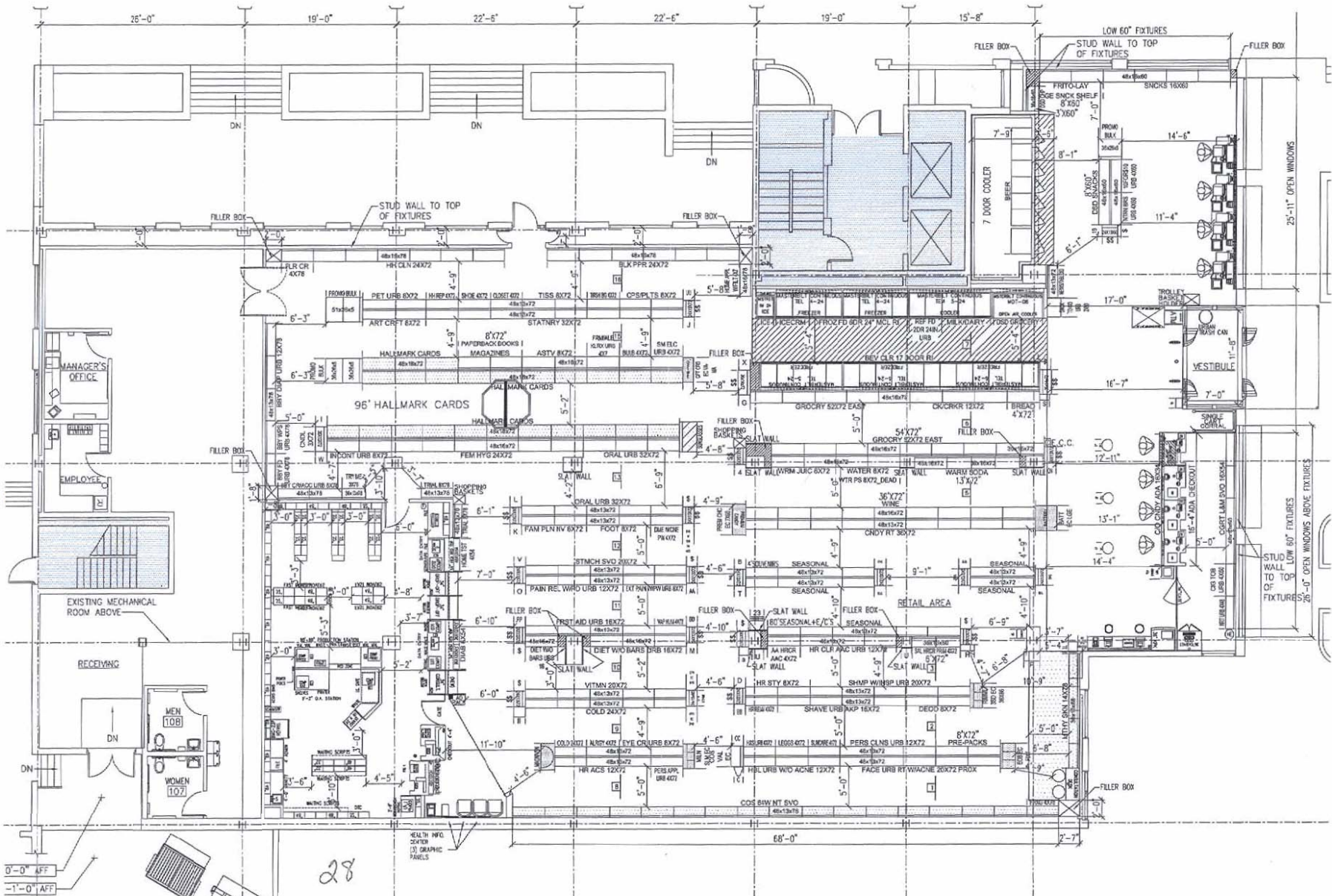
SITE PLAN

SHEET NUMBER: \_\_\_\_\_

**A-1**

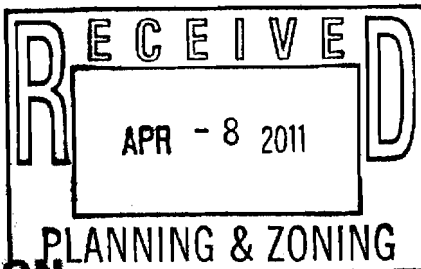
COMMENTS:

28



28

0'-0" AFF  
-1'-0" AFF



REVISED



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2011-0010

PROPERTY LOCATION: 503 King Street, Alexandria, VA 22314

TAX MAP REFERENCE: 074.02-04-02 ZONE: KR

APPLICANT: Name: CVS / Caremark, Inc.

Address: 8330 Old Keene Mill Rd Springfield, VA 22152

PROPOSED USE: CVS/pharmacy Store #2149

[X] THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[X] THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[X] 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 IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[X] 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 Director of Planning and Zoning 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.

Edgar Harris
Print Name of Applicant or Agent
5757 W. Maple Road, Suite 800
Mailing/Street Address
West Bloomfield, MI 48322
City and State Zip Code

Signature Date 2/18/11
248-539-7997 Telephone #
703-346-5293 Fax #
248-539-9449
gharris@valmeir.com Email address

ACTION-PLANNING COMMISSION: [initials] DATE: 6/17/11
ACTION-CITY COUNCIL: [initials] approved FC recommendation: 6/25/11
w/ amendments 7-0

500 JOHN CARLYLE STREET (Parcel Address: 520 John Carlyle Street)  
ITALIAN GOURMET DELI AND MARKET

Public Hearing and Consideration of a request to allow off premises beer and wine sales at an existing restaurant; zoned CDD #1/Coordinated Development District. Applicant: Pukhraj Kapoor

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 5-0

City Council approved the Planning Commission recommendation with an amendment to condition #26 stating that, "Supply deliveries, loading and unloading activities shall occur between the hours of 7a.m. - 7p.m."

Council Action: \_\_\_\_\_

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

**Planning Commission (continued)**

12. SPECIAL USE PERMIT #2011-0010  
503 KING STREET, CVS/PHARMACY  
Public Hearing and Consideration of a request for a ground floor retail establishment over 10,000 square feet, zoned KR/King Street Retail. Applicant: CVS/Caremark, Inc., represented by Eugene Harris, agent

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 7-0

City Council approved the Planning Commission recommendation with the exclusion of condition #2 which states, "The hours of operation may be 24 hours/day provided that these hours coincide with the hours of operation for the pharmacy portion of the business." The condition will state, "The hours of operation may be up to 24 hours/day."

Council Action: \_\_\_\_\_

13. MASTER PLAN AMENDMENT #2011-0002  
REZONING #2011-0001  
CDD CONCEPT PLAN #2011-0001  
TEXT AMENDMENT #2011-0009  
DEVELOPMENT SPECIAL USE PERMIT #2010-0027  
SPECIAL USE PERMIT TMP #2011-0011  
717, 719, 723 & 735 NORTH SAINT ASAPH STREET, 716 NORTH PITT STREET  
HARRIS TEETER/RESIDENTIAL

Public Hearing and Consideration of a request for: A) an amendment to the Old Town North Small Area Plan Chapter of the City Master Plan to change the land use designation from commercial to mixed use; B) an amendment to the City's zoning map to change the zoning from CD to CDD; C) approval of a CDD concept plan; D) initiation of a text amendment; a text amendment to the City's

REC'D JUN 20 2011

12  
6-25-11

## HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET  
ALEXANDRIA, VIRGINIA 22314-2557

HARRY P. HART  
MARY CATHERINE H. GIBBS  
HERBERT L. KARP

TELEPHONE (703) 836-5757  
FAX (703) 548-5443  
hcgk.law@verizon.net

LURAY OFFICE:

170 KIBLER DRIVE  
LURAY, VA 22835

ASSOCIATE  
DAVID L. CHAMOWITZ

TELEPHONE: 540-743-2922  
FAX: 540-743-2422

OF COUNSEL  
CONSTANCE H. PIERCE

RETIRED  
ROBERT L. MURPHY, 2001  
CYRIL D. CALLEY, 2005

June 21, 2011

The Honorable William D. Euille, Mayor  
and Members of City Council  
c/o Ms. Jackie Henderson, City Clerk and Clerk of Council  
City Hall, Room 2300  
Alexandria, VA 22314

Re: SUP # 2011-0010, CVS, 503 King Street, Docket Item 12

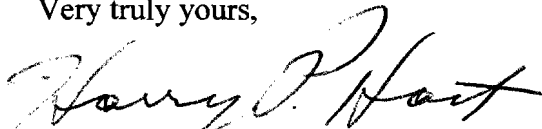
Dear Mr. Mayor and Members of City Council:

This office has been retained by the Applicant, CVS/Caremark, Inc. with respect to the above-referenced Special Use Permit. The Applicant appreciates the positive recommendation from the Planning Commission at their May 3, 2011, hearing, as well as the revised conditions from the Staff in the report for your June 25<sup>th</sup> hearing. The Applicant, however, objects to amended condition No. 2 which states that, "The hours of operation may be 24 hours /day *provided that these hours coincide with the hours of operation for the pharmacy portion of the business.*" (emphasis added) The Applicant requests that that Condition No. 2 should simply say that the "The Hours of Operation may be up to 24 hours/day."

Whether or not to have a pharmacist at this location 24 hours day should be a business decision left to CVS. CVS has operated for 24 hours a day at their current location in the 300 block of King Street for a significant period of time. CVS attempted to have a pharmacist on duty over night in their current location, and there was no justification for it as a business endeavor. They filled a nominal amount of prescriptions at night, and that simply didn't justify adding the salary for a full-time pharmacist. It just doesn't make good business sense.

We look forward to continuing to work with you towards the successful relocation of the CVS from the 300 block to the 500 block of King Street.

Very truly yours,



Harry P. Hart

cc: Mr. Kevin McGee, The Velmeir Companies, Agent for CVS/Caremark, Inc.  
Ms. Barbara Ross, Deputy Director, Department of Planning & Zoning



## **SPEAKER'S FORM**

**DOCKET ITEM NO. 12**

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK  
BEFORE YOU SPEAK ON A DOCKET ITEM.**

**PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.**

1. **NAME:** Mary Catherine Gibbs
2. **ADDRESS:** 307 N. Washington St.  
**TELEPHONE NO.** 703-836-5757    **E-MAIL:** mcg.hcgk@verizon.net
3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**  
The Applicant
4. **WHAT IS YOUR POSITION ON THE ITEM?**  
For
5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,  
LOBBYIST, CIVIC INTEREST, ETC.):**  
Attorney
6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE  
COUNCIL?**  
Yes

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.