



DOCKET ITEM #11F

**Special Use Permit #2011-0033**  
**411 East Braddock Road - 7-Eleven Convenience Store**  
**(Parcel addresses: 405, 401 E. Braddock Rd., 515 Mt. Vernon Ave.)**

Application	General Data	
Consideration of an SUP request to continue the operation of a convenience store.	<b>Planning Commission Hearing:</b>	June 7, 2011
	<b>City Council Hearing:</b>	June 25, 2011
<b>Address:</b> 411 East Braddock Road (Parcel address: 405 E. Braddock Rd.)	<b>Zone:</b>	CSL/Commercial Service Low
<b>Applicant:</b> 7-Eleven, Inc. by Michael Vanderpool, attorney	<b>Small Area Plan:</b>	Potomac West

**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:** Barbara Ross, Planning and Zoning

**PLANNING COMMISSION ACTION, JUNE 7, 2011:** On a motion by Mr. Wagner, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the SUP request, subject to compliance with all applicable codes, ordinances, and staff recommendations, and with an amendment to Condition #5. The motion carried on a vote of 6-0, with Mr. Robinson absent.

**Reason:** The Commission agreed with the staff analysis and supported the change to Condition #5 to correct a mistake.

**Speakers:**

Duncan Blair, representing the applicant and other individual speakers present at the hearing (Joel Silverman, Maria Wasowski and Pat Miller) spoke in support of the proposal.

Philip Matyas, 219 N. Pitt St., asked what negotiated contract price had been agreed for the sale of the City-owned land. Tim Wanamaker, deputy director, General Services advised that the price was \$280,500. Planning staff advised that the land is not being rezoned as part of the proposal.

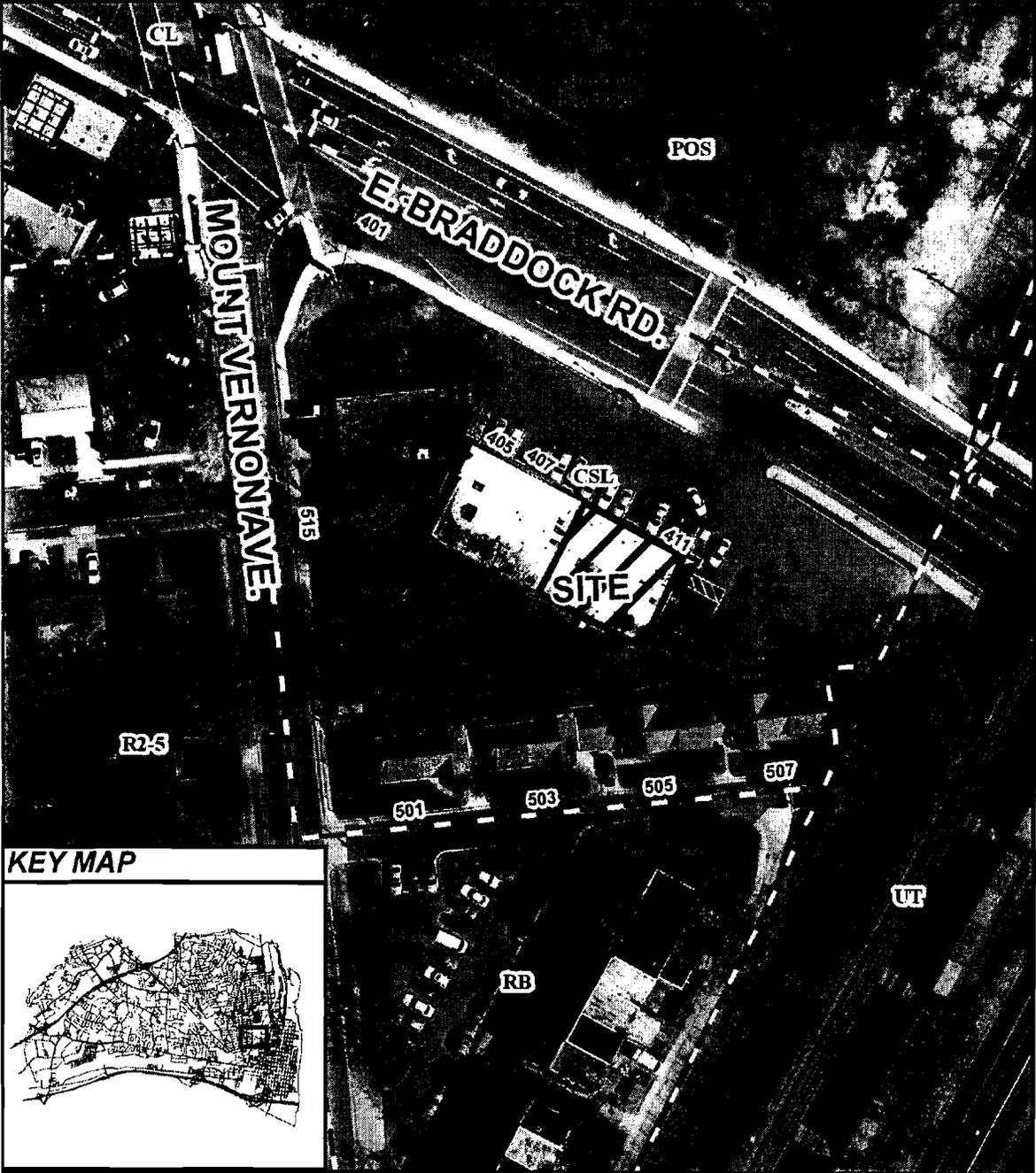
Katy Cannady, 20 E. Oak St., spoke in support of all aspects of the proposal.

Marguerite Lang, 14 W. Rosemont Ave., President, Rosemont Citizens Association, spoke in support of the proposal and noted the unanimous support from the Association.

Sarah Becker, 1200 Princess St., spoke regarding the 7-Eleven case and pointed out a mistake in the police condition prohibiting single sales. Staff agreed that it was a mistake and Condition #5 of the 7-Eleven case reflects the corrected language.

Leslie Zupan, 1309 Queen St., President, West Old Town Citizens Association, spoke on the 7-Eleven case, and suggested that 7-Eleven be required to tag or stamp or otherwise label each container of alcohol sold from the store in order that the source of empty bottles in the neighborhood can be identified.

Michael Vanderpool, attorney for 7-Eleven, responded to Ms. Zupan's suggestion and represented that he would investigate the feasibility of such a program before the Council hearing. He also argued that it would be unfair to impose such a requirement on one store or on all 7-11 stores and not on all convenience stores as well as all retail sellers of alcohol containers.



**SUP#2011-0033**

**6/7/2011**



## I. DISCUSSION

The applicant, 7-Eleven, Inc., by Michael Vanderpool, attorney, requests Special Use Permit approval to continue the operation of its convenience store in a new building to be constructed at 411 East Braddock Road.

### SITE DESCRIPTION

The subject site, at the corner of Mount Vernon Avenue and East Braddock Road, is currently three lots of record, one of which is City-owned, on which a small shopping center and one-story industrial building are located. Tenants in the shopping center include 7-Eleven and a Subway restaurant. The total site area, after consolidation, is 44,480 square feet.



The surrounding area features a mix of residential, institutional and commercial uses. Metrorail tracks and the mixed-use Colecroft development are located to the east. Single-family residences are adjacent to the south. An automobile service station is located to the west. George Washington Middle School and the Braddock Field are located to the north. Beyond the commercial and institutional uses immediately adjacent lie residential neighborhoods in all directions.

### BACKGROUND

Consolidation and redevelopment of these properties has been discussed for several years. Yates Holding LLC, the applicant for DSP#2010-0023, is now seeking permission to construct two new buildings and a parking garage on the site, which will be consolidated into one lot. The proposed two-story building located on the western portion of the site near the corner of Mount Vernon Avenue and East Braddock Road will feature retail and repair uses on the first floor and offices on the second story above. A separate one-story building on the eastern portion of the site will be the location for a new building to house the existing 7-Eleven convenience store. 7-Eleven, Inc. is a participant in the redevelopment plan.

The existing 7-Eleven store has been operating at this location since 1960. In 2005, a special use permit was approved, consistent with the requirement that nonconforming convenience stores obtain a special use permit approval in order to continue. (SUP#2005-0016). Special Use Permit approvals were also granted in 2007 (SUP#2006-0121) and 2009 (SUP#2008-0095) allowing the use to continue. Each included an expiration date in anticipation of the redevelopment now proposed. The current SUP for 7-Eleven expires on April 18, 2012.

PROPOSAL

The new building for the 7-Eleven store will consist of approximately 2,940 square feet of retail space. It will be a freestanding, one-story building located on the eastern portion of the site, closest to the railroad tracks. The new store will continue to operate as a typical convenience store, providing quick and convenient shopping and goods purchased in small quantities. The store sells a variety of goods including food and beverages for consumption off premises. Additional elements of the applicant's proposal include:

- Hours of Operation: The store is open 24 hours daily
- Alcohol: The store has an Alcoholic Beverage Control license for off-premises sale of beer and wine between the hours of 6:00 a.m. and midnight. Single sales are not permitted.
- Customers: Approximately 1,100 – 1,500 a day.
- Employees: A maximum of four employees will staff the store at one time.
- Noise: No significant noise from customer patrons is expected.
- Trash Dumpster: Trash generated is typical solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. The applicant anticipates approximately 32 cubic yards each week of trash and 16 cubic yards of recycling. Each is picked up by a private hauler several times per week. 7-Eleven will share trash and recycling dumpster area within a screened and landscaped enclosure on the site.
- Litter: Store employees perform a minimum of two litter walks each 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 private trash cans located on the property, and one City trash can located along the sidewalk.

PARKING

In the past, 15 parking spaces were provided for the shopping center, including 7-Eleven, even though there was no technical parking requirement, the prior building having been grandfathered as to parking. Under the current proposal, the entire site will include 77 parking spaces for use by all of the tenants, including the 7-Eleven. Under the arrangement between the landlord and 7-Eleven, 13 of those spaces will be dedicated for 7-Eleven's use. Those spaces are the surface spaces located immediately in front of the 7-Eleven building and across from it in front of the retail/office building. If calculated on an individual use basis, the 7-Eleven, with 2940 square feet of retail space requires 13 parking spaces.

ZONING AND MASTER PLAN

The subject property is located in the CSL/Commercial Service Low zone. The CSL zone allows a convenience store only with a special use permit. The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for uses compatible with CSL zoning.

**II. STAFF ANALYSIS**

Staff supports the continued approval of a 7-Eleven store at this site. Redevelopment of the site provides a series of benefits that improve the setting for this neighborhood convenience business. The existing small, suburban styled strip shopping center building will be demolished. The new 7-Eleven building will be coordinated in design, architecture and orientation with the second, larger building on the site. The new building is well designed and oriented, in part, to address Braddock Road, with the parking area not separating the road and pedestrians from the retail store. The redevelopment includes new wider sidewalks with street trees, shared loading and trash containers, and extensive landscaping. The streetscape improvements are consistent with the Colecroft commercial area east of the site. The parking area will be improved so that it is screened from Braddock Road by landscaping and low walls.

The signage is improved overall and coordinated with the main building. On the other hand, the submitted plans include, in addition to the 7-Eleven logo signs, and signage on the roof addition, 7-Eleven traditional colorful striping around two sides of the 7-Eleven building. Staff is recommending in Condition #27 that the striping only be allowed on the portion of the building immediately above the entrance to the store; the remaining striping must be removed from any final plans and is not allowed.

An additional condition addresses the desirable operable door on the Braddock Road frontage, allowing 7-Eleven to lock the entrance for security reasons if necessary.

The remaining conditions include requirements designed to control impacts, including with regard to litter, alcohol, trash removal, noise and odors and are typical for this and other convenience stores. The expiration date for the 7-Eleven SUP is being deleted, given that the redevelopment of the site is now proceeding. A series of site related conditions are also being deleted in that 7-Eleven will no longer be the landlord of the property. It, as tenant, and Yates Holdings LLC, as landlord, will have to work together to ensure that the site remains property lighted, well maintained and otherwise consistent with the DSP conditions.

Staff recommends approval of the special use permit subject to the Conditions listed in Section III below.

### 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) (SUP#2005-0016)
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 more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES) (SUP2008-0095)
3. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2005-0016)
4. 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) (SUP#2005-0016)
5. **CONDITION AMENDED BY PLANNING COMMISSION:** Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 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) (PC) (SUP#2005-0016)
6. **CONDITION AMENDED BY STAFF:** 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. Trash collection shall occur between 7:00 a.m. and 8:00 p.m. All dumpsters and stored trash and recycling shall be placed within the shared dumpster enclosure on site. (P&Z) (SUP#2005-0016)
7. **CONDITION AMENDED BY STAFF:** The applicant shall 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) (SUP#2005-0016)
8. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (T&ES) (SUP#2005-0016)
9. No seats or tables shall be provided for the use of patrons. (P&Z) (SUP#2005-0016)
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) (SUP#2005-0016)

11. **CONDITION DELETED BY STAFF:** ~~(Landlord responsibility under site plan) Lighting shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (P&Z) (SUP#2005-0016)~~
12. **CONDITION AMENDED BY STAFF:** All Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2005-0016)
13. **CONDITION DELETED BY STAFF:** ~~(Landlord responsibility under site plan) The applicant shall maintain the parking lot to the satisfaction of the Directors of T&ES and Planning and Zoning. (T&ES) (P&Z)~~
14. Condition satisfied. (P&Z)
15. 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) (T&ES) (SUP#2005-0016)
16. **CONDITION DELETED BY STAFF:** ~~(Landlord responsibility under site plan) The applicant shall maintain the dumpster screening in good condition. (P&Z) (SUP#2005-0016)~~
17. **CONDITION DELETED BY STAFF:** ~~(Landlord responsibility under site plan). Lighting on the property shall be shielded to prevent glare on adjacent properties. (P&Z) (SUP#2005-0016)~~
18. **CONDITION DELETED BY STAFF:** ~~This permit shall expire on March 14, 2012 or three years from City Council approval, whichever is later. This permit shall be re-docketed two years from City Council approval to update and discuss what is happening on consolidation of the properties and to take whatever other action is appropriate at that time. (P&Z) (City Council)~~
19. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after it begins operation in the proposed new building 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) (SUP#2005-0016)
20. **CONDITION DELETED BY STAFF (See T&ES Comment C-1):** ~~The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in~~

~~the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)~~

21. Condition satisfied. (P&Z)
22. **CONDITION DELETED BY STAFF: (Landlord responsibility under site plan).** ~~Landscaping shall be reviewed on an annual basis to ensure compliance with landscape plans and SUP conditions. The applicant shall replace all required landscaping that is currently dead, missing or in poor condition, within 90 days of City Council approval, to the satisfaction of the Directors of Recreation, Parks and Cultural Activities and Planning and Zoning. The applicant shall also thereafter replace all required landscaping that in the future becomes dead, missing or in poor condition. (RP&CA)~~
23. **CONDITION DELETED BY STAFF: (Landlord responsibility under site plan.)** ~~Maintain landscaping to be free of litter and weeds and ensure plants receive proper care. (RP&CA) (SUP#2006-0121)~~
24. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2008-0095)
25. 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. (T&ES) (SUP#2008-0095)
26. **CONDITION AMENDED BY STAFF: Supply d** ~~Deliveries, loading, and unloading activities, ~~excepting fresh food deliveries by panel trucks,~~ shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2008-0095)~~
27. **CONDITION ADDED BY STAFF: 7-Eleven signage in the form of its traditional colorful striping is allowed only on the portion of the building immediately above the entrance to the store facing the parking area; the remaining striping is not allowed and must be removed from any final plans. (P&Z)**
28. **CONDITION ADDED BY STAFF: The retail entrance along East Braddock Road for the 7-11 building shall be required to be operable to the maximum possible extent, but may be closed and locked at specific times for security reasons. (P&Z)**

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

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**Staff Note:** In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2008-00095)
- R-2 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. (T&ES) (SUP2008-00095)
- R-3 **Condition Amended by Staff:** All ~~H~~loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
- R-4 **Condition Amended by Staff:** ~~Supply d~~Deliveries, loading, and unloading activities, ~~excepting fresh food deliveries by panel trucks,~~ shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 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) (SUP2008-00095)
- R-6 **Condition Amended by Staff:** The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (T&ES)
- R-7 **Condition Amended by Staff:** 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) (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). (T&ES)

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) 746-4410, 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:

- F-1 No comments received

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 and a robbery awareness program for all employees. (Police)
- R-2 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)



# APPLICATION SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2011-0033

**PROPERTY LOCATION:** 405 East Braddock Road

**TAX MAP REFERENCE:** 53.04-6-2 **ZONE:** CSL

**APPLICANT:**  
Name: 7-Eleven, Inc.

Address: 5300 Shawnee Road, Alexandria, VA 22312

**PROPOSED USE:** Convenience Store

**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.

Michael R. Vanderpool, 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] 4/1/11  
Signature Date

(703) 369-4738 (703) 369-3653

Telephone # Fax #

mvanderpool@vfnlaw.com

Email address

<b>ACTION-PLANNING COMMISSION:</b> _____	<b>DATE:</b> _____
<b>ACTION-CITY COUNCIL:</b> _____	<b>DATE:</b> _____

SUP # 2011-0053

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 405 East Braddock Road, I hereby  
(Property Address)  
grant the applicant authorization to apply for the Special Use Permit (SUP) use as  
(use)  
described in this application.

Name: 7-Eleven, Inc. (formerly the Southland Corp.) Phone \_\_\_\_\_

Please Print  
Address: P.O. Box 711, Dallas, TX 75221-0711 Email: \_\_\_\_\_

Signature: Nancy A. Stode Date: 4-1-11

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: \_\_\_\_\_ 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.

IYG Holding Co.

4-1-4 Shibakoen  
Minato-Ku, Tokyo  
Japan 105

72.51% of common stock

**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. IYG Holding Co.	4-1-4 Shibakoen Minato-Ku, Tokyo Japan 105	72.51% of common stock
2. No other stock holder owns 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. 7-Eleven, Inc. (formerly the Southland Corp)	P. O. Box 711 Dallas, TX 75221-0711	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. IYG Holding Co.	NONE	N/A
2. 7-Eleven, Inc.	NONE	N/A
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.

4/1/11  
Date

MICHAEL R. VANDERPOOL, ESQ.  
Printed Name

  
Signature



**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: Continuation of a non-conforming use (under section 12-200 of 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 1,100 to 1,500 per day.

B. How many employees, staff and other personnel do you expect?  
Specify time period (i.e., day, hour, or shift).  
Maximum of four employees per shift.  
Approximately 12 employees total.

6. Please describe the proposed hours and days of operation of the proposed use:  
  
Day: 365 Days per year. Hours: 24 Hours a 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 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.

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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)  
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? (i.e. # of bags or pounds per day or per week)  
Approximately 32 yards of trash and 16 cubic yards of recyclables per week.

C. How often will trash be collected?  
Multiple pick ups 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 adjacent sidewalks three times per week. Employees will perform litter walks twice per day on the 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:

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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:

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

Store has closed-circuit TV and monitored alarm system.

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**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.

Current ABC license for off-premises sale of beer and wine 6 a.m. to

12 a.m. (midnight). Alcohol sales are restricted in accordance with

condition 5 of the existing SUP (SUP 2006-0121). No change in alcohol

sales is proposed.

**PARKING AND ACCESS REQUIREMENTS**

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

7 Standard spaces

         Compact spaces

1 Handicapped accessible spaces.

4 Other. Shared parking with other tenants. Additional undelineated parking also available on site.

Planning and Zoning Staff Only
Required number of spaces for use per Zoning Ordinance Section 8-200A: _____
Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> 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?

N/A

**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? <input type="checkbox"/> Yes <input type="checkbox"/> No

SUP # 2011-6053

- B. Where are off-street loading facilities located? delimited area is available for loading on-site, adjacent to store.
- C. 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.
- D. 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?  
2,940 sq. ft. (existing) + 0 sq. ft. (addition if any) = 2,940 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: \_\_\_\_\_

End of Application

SPECIAL USE APPLICATION  
SUP2011- 0030  
7-Eleven, Inc.  
405 East Braddock Road, Alexandria  
Continuation of Use SUP2008-0095 located at  
411 East Braddock Road, Alexandria

WRITTEN NARRATIVE  
March 31, 2011

**A Continuation Of An Existing Use Is Proposed For East Braddock Road**

7-Eleven, Inc. ("7-Eleven"), formerly The Southland Corporation, is the owner of a parcel of land identified in the City of Alexandria real estate records as Tax Map Parcel Number 053.04-06-02; the parcel having a street address of 405 East Braddock Road, Alexandria, Virginia ("Property"). 7-Eleven requests approval of a Special Use Permit ("SUP") to continue the existing use, to allow operating a convenience store ("Store") in the Commercial Service Low (CSL) zoning district, which was originally authorized in 2007 and re-authorized under SUP2008-0095. This request is in accordance with Section 12-200 of the City of Alexandria's Zoning Ordinance that requires such SUP for continuance of any existing legal non-conforming use.

**The Existing Use Was Authorized By City Council**

7-Eleven currently operates the Store, with an address of 411 East Braddock Road, on the Property under the authorization of a SUP originally approved on May 14, 2005 (SUP2005-0016) which allowed continued operation of the existing Store subject to a two year review of site redevelopment plans. On March 17, 2007 the City Council approved a second special use permit (SUP 2006-0121) which allowed continued operation of the existing Store, until May 14, 2009. On April 18, 2009, the City Council approved SUP2008-0095 extending the SUP until April 18, 2012, with the express understanding that 7-Eleven would diligently pursue redevelopment of the Property. It was the desire of the City that 7-Eleven participate in the

SPECIAL USE APPLICATION  
7-Eleven, Inc.  
405 East Braddock Road, Alexandria  
March 31, 2011  
Page 2 of 5

redevelopment efforts in cooperation with the adjoining landowner ("Redevelopment Plan"). 7-Eleven has steadily pursued such cooperative redevelopment since the original 2005 SUP was approved, and is now a participant in the Redevelopment Plan currently under review by the City. Concurrent with the Redevelopment Plan, 7-Eleven is requesting a SUP to allow continued operation of the Store consistent with the new physical layout which includes razing the existing structure and construction of a new free-standing store.

**The Existing Use Is Compatible With The Neighborhood**

The Property and Store are located on Braddock Road at its intersection with Mt. Vernon Avenue. The surrounding area is one of mixed uses including both commercial and residential uses. 7-Eleven has operated the existing convenience store on the Property since 1960. The Store is well integrated into the community and provides a valuable service to residents of the immediate neighborhood.

**Redevelopment Removes The Existing Building**

The Redevelopment Plan combines the Property with the adjacent lot to propose redevelopment of a combined area containing 44,480 square feet of land. The Property contains approximately 36,997 square feet of land and the existing Store is approximately 2,735 square feet in size. The existing Store is included in an existing retail shopping center building of approximately 5,095 square feet. The existing retail shopping center building will be removed under the Redevelopment Plan.

**Redevelopment Provides An Improved Store**

The new 7-Eleven Store is a freestanding, one story building, located on the southeasterly

SPECIAL USE APPLICATION  
7-Eleven, Inc.  
405 East Braddock Road, Alexandria  
March 31, 2011  
Page 3 of 5

portion of the Property, closest to the railroad tracks. The new 7-Eleven Store is architecturally compatible with the new retail building proposed on the Redevelopment Plan, and the new 7-Eleven Store will contain 2,940 gross square feet of floor space. The front entrance of the new 7-Eleven Store faces the interior parking spaces served by the one shared public road entrance onto East Braddock Road. This public road entrance serves both the new retail building and the new 7-Eleven Store. Retail parking is provided by an onsite parking structure and the 7-Eleven parking is surface level parking immediately adjacent to the Store front entrance. The Redevelopment Plan eliminates the suburban style front parking lot, moves the retail building and new 7-Eleven Store up to the sidewalk, incorporates improved architecture, reduces the number of public street entrances, and provides significant landscaping and screening.

**No Change In The Nature Of The Existing Use**

The new 7-Eleven Store will continue as a typical convenience retail store selling a variety of goods including food and beverages. The Store provides quick and convenient shopping and goods are typically purchased in small quantities. Food and beverages are purchased by customers for consumption off premises. The Store will be open 24 hours a day, 365 days a year.

**Redevelopment Provides Parking**

The parking shown on the Redevelopment Plan is adequate for the Store's level of operations.

**Redevelopment Provides Controlled Waste Management**

Waste management for the new 7-Eleven Store will be upgraded to current waste

SPECIAL USE APPLICATION  
7-Eleven, Inc.  
405 East Braddock Road, Alexandria  
March 31, 2011  
Page 4 of 5

management and recycling standards, although no increase in the volume or change in the type of trash is anticipated. Trash generated will be typical solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. Trash will be picked up by a private hauler several times per week. An enclosed dumpster and recycling area is provided with landscaping and screening.

Store employees will 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 will be performed three times per week by a contractor.

#### **Redevelopment Provides Site Improvements**

The Redevelopment Plan provides significant new landscaping on the Property to screen the parking structure and the surface parking area, to provide street side plantings, and to create a concentrated planting area at the rear of the new 7-Eleven Store on the portion of the Property closest to the railroad tracks.

#### **The Redevelopment Continuation Of The Existing Use Should Be Approved**

The nature of the existing convenience store use and its scale of operations have proven compatible with the neighborhood and the existing uses in the surrounding area over a long period of time; and, thus, no significant change in operations is necessary. 7-Eleven has fulfilled its commitment to work closely with an adjoining landowner with the guidance of the City of Alexandria to develop the Redevelopment Plan to improve the Property. 7-Eleven, Inc. now respectfully requests approval of the requested SUP to permit the Store to continue providing

SPECIAL USE APPLICATION  
7-Eleven, Inc.  
405 East Braddock Road, Alexandria  
March 31, 2011  
Page 5 of 5

convenience shopping for residents of the immediate neighborhood as an integral element of the site redevelopment.

V:\Company\7-Eleven\Alexandria SUPs\Braddock Road\SUP Application 2011\Braddock Road Narrative\_08BgsRev\_PJG.doc











# Del Ray Citizens Association

Established 1954  
delraycitizens@yahoo.com

P.O. Box 2233, Alexandria, VA 22301  
<http://www.delraycitizen.org>

June 5, 2011

Farol Hamer, Director of Planning and Zoning  
City Hall, Room 2200  
Alexandria, VA 22314

Subject: Docket item #11, City Charter Section 9.06 Case #2011-0002, Development Site Plan #2010-0023, Encroachment #2011-0002, SUP #2011-32-34, 511, 515 Mount Vernon Avenue, 401, 405, 407 and 411 E Braddock Road - Yates Corner

Dear Ms. Hamer,

As we understand, the applicant requests to construct an approximately 23,706 square foot commercial development consisting of 2 buildings and on-site surface and structure parking lots. The complete application consists of a Development Site Plan, Encroachment, and three Special Use Permit Applications.

The main building at the corner of E. Braddock Road and Mt. Vernon Ave will be a commercial mixed use building that is 35 feet tall at its highest point. The basement of the building will be used for automotive repair and related uses. The first floor will be used for auto repair, a sandwich shop, and a dry cleaner. The second floor will be used for commercial or office. The second building will house a 7-Eleven. It will be 21.9 feet tall. There will also be a 2 level parking structure providing 77 spaces and a loading space. The FAR for this project is .50.

The Zoning modifications, permits and waivers being requested include:

1. Development Site Plan to achieve a coordinated development of the three land parcels at 501 E. Braddock Road, 403 E. Braddock Road and 515 Mt. Vernon Avenue;
2. New SUP's for Light Auto Repair Facility (Yates), Convenience Store (7-Eleven), and Dry Cleaners. These uses are allowed in CSL zone with a SUP;
3. Modification of the Zoning Transition Setback along Mt. Vernon Avenue from 25 feet to 17 feet (Residential zone);
4. Modification of the required Surface Parking Setback along Mt. Vernon Avenue from 6 feet to 5 feet;
5. Encroachment into the Public Right of Way to construct a wall enclosing the plaza.

The Del Ray Citizen Association Land Use Committee (DRCA LUC) discussed the application at its regular April Meeting with Mr. Jason Yates and his attorney Mr. Duncan Blair. In general LUC is supportive of the application and recommended the DRCA membership immediately support the City disposal of 501 E. Braddock Road by sale to Mr. Yates. However, the committee had concerns about pedestrian safety and final review of proposed landscaping that it felt should be addressed. The WMATA bus stops on E. Braddock Road are located in front of the cross walk. Vehicles in the left lane cannot see around stopped busses to be able to determine if there are pedestrians attempting to cross the street. The bus stop and/or crosswalk could be relocated to improve pedestrian safety. Land Use also felt that landscape plan and street scape should be reviewed by citizen groups for this location since it is an important gateway into 3 neighboring communities: Del Ray, Rosemont, and Parker Gray.

*Celebrating 100 years of the Town of Potomac*

*1908 - 2008*

*30*

Subject: Docket item #11, City Charter Section 9.06 Case #2011-0002, Development Site Plan #2010-0023, Encroachment #2011-0002, SUP #2011-32-34, 511, 515 Mount Vernon Avenue, 401, 405, 407 and 411 E Braddock Road - Yates Corner

Land Use made the following recommendations for general membership vote on:

- Approve the sale of City owned property at 501 E. Braddock Road to Mr. Jason Yates for consolidation with adjacent parcels for the proposed Yates Corner DSP;
- Approve the SUP for a 7 Eleven convenience store and make no comment on the remaining SUP requests;
- Approve the DSP with the following conditions:
  1. The City will work with the applicant and the DRCA LUC on street scape design.
  2. The City will work with the applicant and the DRCA LUC to refine traffic calming measures and the pedestrian crosswalk design.
  3. The City will look into and report back to the DRCA LUC regarding the possibility of closing the cut in the median for automobiles.

At their regular membership meeting of May 9, 2011, a presentation was provided to the membership that included the Land Use Committee recommendations for discussion. Attending were Mr. Yates, his attorney Mr. Blair and members of City staff. A few DRCA members expressed concern about adding language to the DSP permit to allow citizen review of landscape plans or address pedestrian safety improvements that may be adjacent to but are not part of the development project; they believed this would unduly burden a small businessman. A spirited discussion ensued after which the membership voted to request the Planning Commission and City Council to:

- Support the DSUP for Yates Corner;
- Support the SUP application for 7 Eleven.
- In a separate motion, the membership voted to request the City to address pedestrian safety issues we had discussed such as a relocation of the bus stop in relation to the crosswalk and vehicular entrance on E. Braddock Road.

Thank you for your consideration.

Sincerely,  
Sarah Haut  
Co-Chair  
Land Use Committee

cc:  
Planning Commission

**From:** S.R. Becker <[srbecker@att.net](mailto:srbecker@att.net)>  
**To:** [Barbara.Ross@alexandriava.gov](mailto:Barbara.Ross@alexandriava.gov)  
**Cc:** [William.Johnson@alexandriava.gov](mailto:William.Johnson@alexandriava.gov); [tammy.hooper@alexandriava.gov](mailto:tammy.hooper@alexandriava.gov);  
[christian.stanton@alexandriava.gov](mailto:christian.stanton@alexandriava.gov)  
**Sent:** Thu, May 5, 2011 9:53:22 PM  
**Subject:** Thinking of you ...

Barbara

This morning I removed several empty Bud cans from my car pad. They were "gift wrapped," their origin obvious, and I wondered. Have you given any more thought to restricting alcohol sales at the Braddock 7-11?

Sarah B.

**From:** William Johnson <William.Johnson@alexandriava.gov>  
**To:** "srbecker@att.net" <srbecker@att.net>  
**Sent:** Tue, June 7, 2011 11:44:51 AM  
**Subject:** Single beer sales

Hi Sarah,

Rather than try to scan the entire document to you I am giving you the pertinent language from the document that will assist you. These are the conditions for ABC Off liquor sales:

“A single sale of beer is defined as any container having *40 fluid ounces or less.*”

“Beer or wine coolers may be *sold only* in 4-packs, 6-packs or *bottles of more than 40 fluid ounces.*”

**The italics are mine.**

**From:** William Johnson <William.Johnson@alexandriava.gov>  
**To:** S.R. Becker <srbecker@att.net>  
**Sent:** Tue, June 7, 2011 3:45:38 PM  
**Subject:** RE: Braddock 7-11

Yes. The context for wording is that it was agreed upon in a meeting with Chief Cook, Officer Charlotte Mitchell and Planning several years ago. I spoke with Officer Mitchell-Young and she said there was a second meeting about a year ago with her, Chief Cook, Agent Matthew Fridley (ABC) and Barbara Ross when they went over the wording again and reconfirmed it.

**From:** S.R. Becker [<mailto:srbecker@att.net>]  
**Sent:** Tuesday, June 07, 2011 1:44 PM  
**To:** William Johnson  
**Cc:** Earl Cook  
**Subject:** Braddock 7-11

Bill

As per our morning discussion I have now perused the Braddock 7-11's alcohol inventory. A cooler located along the store's west wall has several varieties of 40 fl. oz. beers for sale. The brand Icehouse (40 fl oz.) was stocked and for sale, the price \$2.29 each. It is the same 40 fl. oz. Icehouse I pulled my carpad in a 7-11 bag. My neighbor served as my witness and he noted that he had picked up bottles of a similar type from his yard the previous day. I purchased a coke while at the 7-11; the dated receipt confirmation of today's visit.

As I understand your email, Braddock 7-11's sale of 40 fl. oz. beers violates the intended spirit of the Chief's earlier agreement, that is that 40 fl. oz. beers may not be sold at Braddock, as well as the literal of police comments regarding tonight's SUP request.

Just making sure I've got it right...

Sarah B.

**From:** William Johnson <William.Johnson@alexandriava.gov>  
**To:** S.R. Becker <srbecker@att.net>  
**Sent:** Tue, June 7, 2011 4:21:48 PM  
**Subject:** RE: SUP for 7-11 -- Different placement of word

Sarah,

I tried to call you but I have a meeting that I have to get to, and I'm late. I spoke with Barbara Ross and the language in the 2011 SUP is the same as a 2008 SUP (the SUP was brought back for review in 2008) which is different from the language in the 2006 SUP (the language the police department supports). Anyway, Barbara Ross is going to change the language to agree with the 2006 SUP which is the language the police department supports.

**From:** S.R. Becker [<mailto:srbecker@att.net>]  
**Sent:** Tuesday, June 07, 2011 3:41 PM  
**To:** William Johnson  
**Cc:** Earl Cook  
**Subject:** Fw: SUP for 7-11 -- Different placement of word

Bill

Again I ask you to give me greater context prior to tonight's hearing. Looking at the literal of the Braddock 7-11 text, comparing the text of the 2006 SUP with the proposed 2011 SUP, it does seem the police department has changed the policy with regard to the sale of 40 fl. oz. beers. As we discussed a year ago, with regard to the sale of 40 fl. oz. beer, the store seems to be operating in violation of its existing 2006 SUP. Please check in before the business day ends as I feel seat growing hotter. More is the word of the day ...

----- Forwarded Message -----

**From:** "missz@aol.com" <[missz@aol.com](mailto:missz@aol.com)>  
**To:** [srbecker@att.net](mailto:srbecker@att.net)  
**Sent:** Tue, June 7, 2011 3:12:42 PM  
**Subject:** SUP for 7-11 -- Different placement of word

Old SUP 2006-0121

Police Department Comment F1 (p. 10)

"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."

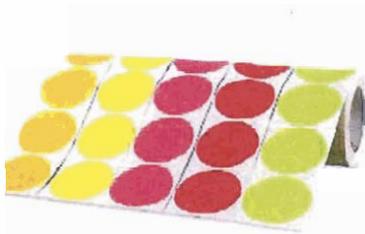
Proposed SUP 2011-0033

Police Department Comment R-2 (p. 10)

"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."

[Home](#) > [Labels](#) > [Inventory Labels](#) > Inventory Labels - Circles

*Submitted at 6/7/11 Planning Commission Hearing by Leslie Zupan*



### Inventory Labels - Circles

These labels aid your warehouse operations.

Categorize inventory, reorder points, product dating or special instructions. Apply these labels to pallets, boxes and shelves for easy identification. Easy to write on.

[Larger Text](#)

INVENTORY LABELS CIRCLES			FLUORESCENT:					REGULAR:		ADD TO CART					
MODEL NO.	SIZE	WT./ 1,000	1	3	5	10	25+	Green	Royal		Lt. Blue	White	Red	Purple	Black
<a href="#">S-2063</a>	1/2"	.5 lb.	\$12	\$11	\$10	\$9	\$7								<a href="#">Specify Color</a>
<a href="#">S-3449</a>	3/4"	1 lb.	14	12	11	10	8								<a href="#">Specify Color</a>
<a href="#">S-2235</a>	1"	1 lb.	16	14	13	11	9								<a href="#">Specify Color</a>
<a href="#">S-2775</a>	1 1/2"	1 lb.	18	16	15	13	11								<a href="#">Specify Color</a>
<a href="#">S-1176</a>	2"	1 lb.	20	18	17	15	13								<a href="#">Specify Color</a>
<a href="#">S-1177</a>	3"	3 lbs.	30	27	25	23	21								<a href="#">Specify Color</a>
<a href="#">S-2064</a>	4"	3 lbs.	49	43	41	39	35								<a href="#">Specify Color</a>

FLUORESCENT CIRCLES PACK							
	SIZE	QTY./ PKG.	WT./ PKG.	PRICE PER PACKAGE			ADD TO CART
	1" Circles	5,000	5 lbs.	1 pkg. \$65	2+ \$55		1 <input type="button" value="ADD"/>
	2" Circles	5,000	6 lbs.	1 pkg. \$85	2+ \$75		1 <input type="button" value="ADD"/>
	3" Circles	5,000	13 lbs.	1 pkg. \$125	2+ \$115		1 <input type="button" value="ADD"/>

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# APPLICATION

# SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2011-0033

**PROPERTY LOCATION:** 405 East Braddock Road

**TAX MAP REFERENCE:** 53.04-6-2 **ZONE:** CSL

**APPLICANT:**  
Name: 7-Eleven, Inc.

Address: 5300 Shawnee Road, Alexandria, VA 22312

**PROPOSED USE:** Convenience Store

**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.

Michael R. Vanderpool, 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

[Signature] 4/1/11  
Signature Date  
(703) 369-4738 (703) 369-3653  
Telephone # Fax #  
mvanderpool@vfnlaw.com  
Email address

**Recommended approval w/ Amendments**  
ACTION-PLANNING COMMISSION: 6-0 DATE: 6/7/11  
ACTION-CITY COUNCIL: CC approved PC recommendation DATE: 6/25/11  
7-0

SPEAKER'S FORM

DOCKET ITEM NO. 8

*Only if removed from consent agenda*  
*do not collect*  
*Speaker*

**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: Mike Vanderpool

2. ADDRESS: 9200 Church Street, Manassas, VA

TELEPHONE NO. 703-369-4738 E-MAIL ADDRESS: muvanderpool@vflaw.com

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? 7-11

4. WHAT IS YOUR POSITION ON THE ITEM?  
FOR:  AGAINST: \_\_\_\_\_ OTHER: \_\_\_\_\_

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  NO \_\_\_\_\_

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.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

**Guidelines for the Public Discussion Period**

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; 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 during the public discussion period 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.

(c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.

(d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.

(e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

8  
6-25-11

Subj: **Alexandria Police Conduct Business Compliance Checks**  
Date: 6/23/2011 10:43:57 A.M. Eastern Daylight Time  
From: [Alexandria Police Department](#)  
To: [Public Information Office](#)

**ALEXANDRIA POLICE DEPARTMENT  
PUBLIC INFORMATION OFFICE  
2003 MILL ROAD  
ALEXANDRIA, VIRGINIA 22314-4658  
703-838-4636**

**MEDIA ADVISORY  
JUNE 23, 2011 #11-037  
10:30 A.M. DONALDSON**

**Alexandria Police Conduct Business Compliance Checks**

On Friday, June 17, officers conducted business compliance checks to identify establishments that sell alcohol to minors. This operation occurred as part of the ongoing Youth Alcohol/Business Compliance enforcement campaign. Underage police department representatives, dressed in plain clothes, entered the businesses and attempted to purchase alcohol. If asked for identification, the buyer provided his Virginia Driver's License that showed he was under the age of 21. If the sale of alcohol took place, then the store clerk was charged appropriately.

As a result of this operation, 18 establishments located throughout the City were entered and seven arrests were made. All persons arrested were charged with a Class 1 Misdemeanor for illegally selling alcohol to a minor. Businesses checked included convenience stores, drug stores and grocery stores.

Anyone with information about a business selling alcohol to minors is asked to call the Alexandria Police Department at 703-838-4444.

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## Scottish alcohol tagging scheme goes live

06:08 GMT, Wednesday, 26 January 2011

By Jim Reed  
Newsbeat reporter

**Shops in parts of Dundee have started tagging bottles of alcohol as part of a police plan to cut underage drinking levels.**

Supermarkets and off-licences have been asked to mark bottles with an invisible code.

If young drinkers are found with a tagged item, police say they can work out when and where it was purchased.

They claim the idea is to target adults who agree to buy cheap alcohol for under-18s.

Constable Andy Davie from Tayside Police said: "The biggest problem we have isn't shops selling alcohol directly to young customers, it's people buying it on their behalf."

### How does the scheme work?

Shops have been asked to mark bottles and cans with an ultraviolet code invisible to the naked eye.

*If you want alcohol you just get someone else to buy it for you. This idea might scare people off for a bit but it's hardly going to solve the problem*

Elsa, 18, and Chloe, 17

If police find the drink on someone under 18 they can read the code using an electronic device.

Officers can then work out when and where the alcohol was bought.

If a high number of bottles are coming from a specific shop, police say they will either send in plain clothes officers or search CCTV footage to identify the adults buying it.

Police say anyone caught will be prosecuted.

The maximum sentence is a £5,000 fine and three months in prison, although a warning is much more likely.

### Why are police so worried about it?

They claim underage drinking is often linked to crime and other anti-social behaviour.

Andy Davie said: "Most young drinkers are decent people but under the influence of alcohol everybody does things they wouldn't normally do."

There are also health worries.

Last year the local hospital in Dundee treated 388 under-18s for alcohol related problems.

### What about the shops themselves?

Scotland already has some of the toughest restrictions on selling alcohol directly to under-18s.

*It won't put anyone off. They'll just find somewhere better to buy drink where the police won't think to look*

Darren, 17, Liam, 17, Robbie, 16

Plans to raise the age for buying alcohol in a supermarket from 18 to 21 were narrowly rejected in the Scottish parliament last year.

But from October 2011 it will be against the law to serve anyone who looks under

25 without asking for ID.

Shop workers can be fined and in extreme cases sent to prison if they deliberately ignore the rules.

The bottle marking scheme in Dundee is voluntary at the moment so shops do not have to take part.

But some politicians are now pushing to make the idea mandatory across Scotland.

### **Are people drinking more before their 18th birthday?**

As usual it depends what statistics you look at.

We do know that people of all ages are drinking more than they were 20 years ago.

### **BOOZE CALCULATOR**

- Click on the drinks you bought last night and the [Newsbeat Booze Calculator](#) will tell you what they've done to your body and your bank account.

A report from the [World Health Organisation](#) suggests one in four Scottish 15-year-olds get drunk regularly. The figures are about the same for England and slightly higher for Wales. Northern Ireland didn't take part in the study.

The most popular drink for lads is beer, followed by cider and alcopops.

For girls it's alcopops that come top then beer and wine.

A different report from [the NHS in Scotland](#) suggests 15-year-olds are consuming more and stronger alcohol with the average number of units going up from around 13 a week in 2000 to 18 a week by 2008.

There is some evidence this is leading to more health problems in younger drinkers.

A study by the [charity Alcohol Concern](#) published last year found the number of under-18s sent to hospital in England after drinking increased by around a third between 2002 and 2007.

### **What about the rest of the UK?**

Bottle marking is the latest in a long line of ideas meant to crack down on underage drinking.

In England and Wales police have been handed more powers to confiscate bottles and cans. The fine for shops that repeatedly sell alcohol to under-18s has also been doubled to £20,000.

In Northern Ireland new powers brought in last year mean under-18s can be prosecuted and fined if they are caught with drink in a public place three times in a year.

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