

EXHIBIT NO. 1

15  
6-21-05

Docket Item #16  
SPECIAL USE PERMIT #2005-0045

Planning Commission Meeting  
June 7, 2005

**ISSUE:** Consideration of a request for a special use permit to continue the operation of a nonconforming convenience store use.

**APPLICANT:** Mia's Market  
by Mia Kim

**LOCATION:** 3122 Mount Vernon Avenue

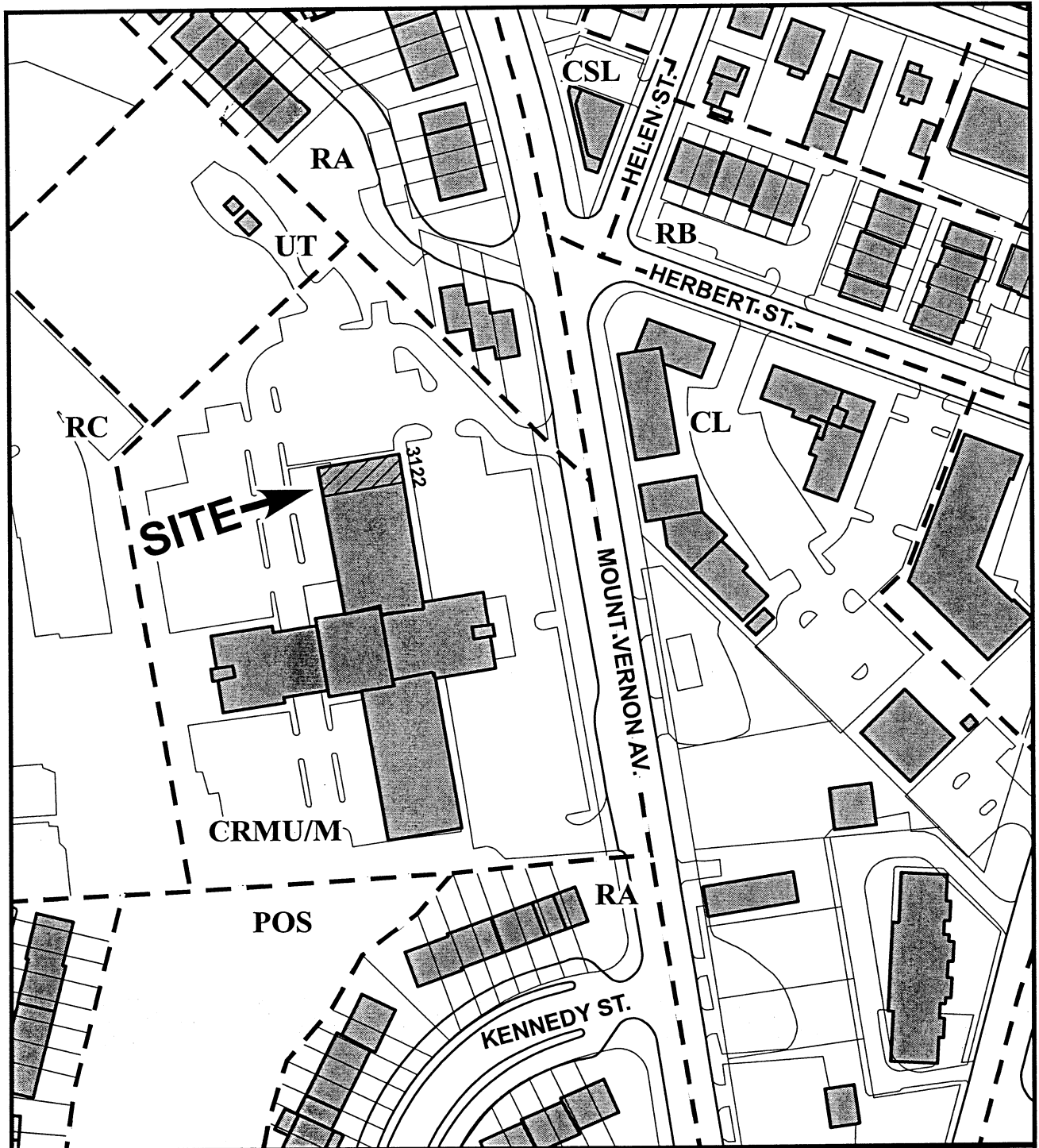
**ZONE:** CRMU-M/Commercial Residential Mixed Use (medium)

---

**PLANNING COMMISSION ACTION, JUNE 7, 2005:** By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

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



**SUP #2005-0045**

**06/07/05**



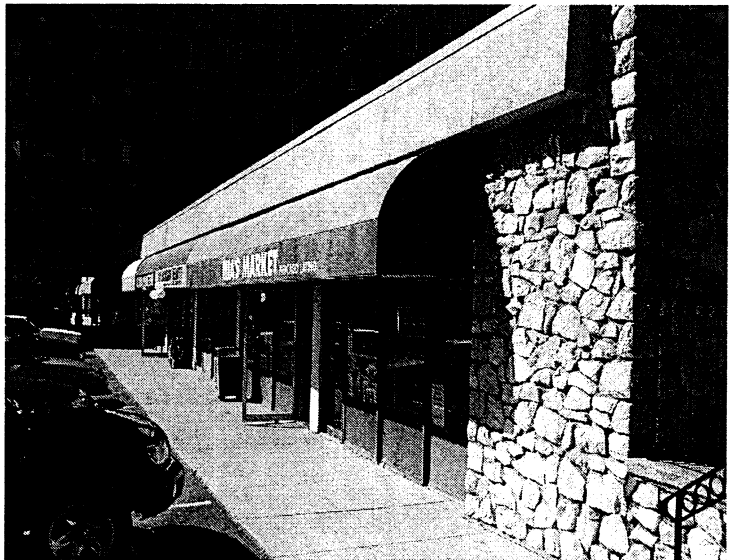
## I. DISCUSSION

### REQUEST

The applicant, Mia Kim, requests special use permit approval for the operation of a convenience store located at 3122 Mount Vernon Avenue.

### SITE DESCRIPTION

The subject property is one lot of record with 362 feet of frontage on Mount Vernon Avenue, and a total lot area of 3.4 acres. The site is developed with the Calvert Apartments building, with commercial uses on the first floor of the building. The subject convenience store, known as Mia's Market, occupies a 3,000 square foot space at the northernmost commercial tenant space in the building.



The first floor of the Calvert Apartments building contains 16,142 square feet of commercial space fronting on Mount Vernon Avenue. The commercial space in the center includes the Bombay Curry Company and Village II Porto restaurants, a tax service establishment immediately adjacent to the subject convenience store, and other commercial uses.

### BACKGROUND

In 1986 the "convenience store" use was added to the Zoning Ordinance, distinguishing this high impact use from other retail uses and requiring a special use permit for convenience stores. The subject convenience store predates this change in the ordinance, does not have a special use permit and, therefore, is considered "nonconforming". In 1998, City Council amended the Zoning Ordinance to require that nonconforming uses cease operations within seven years, unless an SUP is approved allowing their continued use (TA#97-0009A). The subject convenience store was notified of its nonconforming status by letter dated June 30, 1998, explaining that a special use permit was required prior to July 1, 2005, or it would have to cease operations.

PROPOSAL

The applicant proposes to continue operating the nonconforming Mia's Market convenience store. The following information is provided by the applicant about the proposed continued operation:

Hours: The store is open from 6:00 a.m. to 11:00 p.m. Sunday through Thursday and 6:00 a.m. to 12:00 midnight Friday and Saturday.

ABC License: The store has an Alcoholic Beverage Control license for off-premise sale of beer and wine. The applicant currently does not sell single containers of alcohol, only in six or 12 packs. According to the applicant, her employees are trained on preventing underage sales.

Property

Improv'mts: The property owner is in the process of making improvements. A trash enclosure was just completed, and the building permit is approved for new awnings and lighting for the commercial spaces. New signs will also be part of the improvements.

Waste

Management: Trash generated is typically solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. Trash is picked up by a private hauler twice per week. Store employees consistently perform litter walks around the parking lot and property in the vicinity of the store. There is a newly installed consolidated trash area with enclosure for the commercial tenants located on the south end of the parking lot.

PARKING

There are 133 spaces available for the commercial tenants, which includes a parking area to the north of the property that is available for residential tenants only between 12:00 midnight and 6:00 a.m. when most of the commercial businesses are closed. The parking requirements for the center are as follows:

<u>Use</u>	<u>Parking Required</u>
Bombay Curry Company restaurant (SUP #96-0070)	12
Del Merei (grandfathered)	27
Nail Chateau	4
Video store	4

Calvert Cleaners	3
Alexandria Appliance Repair	3
Jackson-Hewitt Tax Service	3
<b>Mia's Market</b>	<b>12</b>
Village Il Porto (SUP#2001-0021)	43
Vietnamese Restaurant (SUP#2004-0084)	8
Parking required:	119
Parking provided:	133 (some of these spaces are allowed for resident use between 12:00 midnight and 6:00 a.m.)

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-M/Commercial Residential Mixed Use-Medium zone, with proffer. Retail uses are allowed in the commercial spaces. The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial residential mixed uses.

**II. STAFF ANALYSIS**

Staff does not object to the continued operation of the convenience store at 3122 Mount Vernon Avenue. Staff did not observe any problems with litter or other maintenance problems on the premises. The property owner is in the process of improving the property, including adding new signs and awnings for all of the commercial businesses. The store is well established in the Calvert apartment building, continuing to provide convenience retail items to area residents as it has for a number of years.

Staff recommends a number of conditions similar to those already approved for the previous 7-Eleven convenience store cases, such as with regard to litter, trash, and single sales of alcohol.

With these conditions, staff recommends approval of the special use permit.

### III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
3. No food, beverages, or other material shall be stored outside. (P&Z)
4. The hours of operation shall be limited to 6:00 a.m. to 12:00 midnight daily. (P&Z)
5. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of 40 fluid ounces or more. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (Police)
6. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be permitted to accumulate on site outside of those containers. (P&Z)
7. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
8. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
9. No seats or tables shall be provided for the use of patrons. (P&Z)
10. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, as well as ongoing training for sales of alcohol to minors. (P&Z)

11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
12. 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)
13. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
14. Lighting shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (P&Z)
15. Business signs shall comply with the Mount Vernon Avenue Design Guidelines and be in accordance with Article 9 of the zoning ordinance. (P&Z)
16. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (Police)

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

---

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

#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-2 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.

##### Code Enforcement:

- F-1 No comments.

##### Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits must be obtained prior to operation.
- C-3 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.



- F-1 This facility is currently operation as Mia's Market under an Alexandria Health permit issued to Mia Kim.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 If an "ABC Off" license is approved we recommend the following conditions;
1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine ( wine with an alcohol content of 14% or more by volume) may not be sold.
  2. That the SUP is reviewed after one year.

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

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

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

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

APPLICATION for SPECIAL USE PERMIT # 2005-0145

[must use black ink or type]

PROPERTY LOCATION: 3122 Mount Vernon Ave Alexandria Va 22305

TAX MAP REFERENCE: 15-04-07-03 ZONE: CRMU-M

APPLICANT Name: MIA KIM (MIA'S MARKET)

Address: 9192 Point Replete Dr. Fort Belvoir Va 22060

PROPERTY OWNER Name: DC - HQ Corporation BI (703) 920-2456

Address: 4301 Columbia Pike Arlington Va 22204 (703) 548-1446

PROPOSED USE: Convenience store

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

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

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

Mia Kim  
Print Name of Applicant or Agent

Mia Kim  
Signature

3122 Mount Vernon Ave  
Mailing/Street Address

703-837-9990  
Telephone # Fax #

Alexandria Va 22305  
City and State Zip Code

April 12, 2005  
Date

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

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

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

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

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

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

Sole OWNER MIA Kim  
9192 Point Replete Dr, Fort Belvoir Va 22060  
\_\_\_\_\_  
\_\_\_\_\_

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

- Yes. Provide proof of current City business license  
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.
2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

**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, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

The store open from 6:am till 11PM Friday - Sat 12-12 midnight  
Store open 17 Hours day, 360 days a year, Store closes only on the  
Major Snow storms, other then <sup>that</sup> open throughout the year, 360 days  
The store has an alcoholic Beverage Control license for off-premise  
Sale of Beer & wine only in 6 to 12pk only - No single sale  
Employees fully trained under age program we are very good in the  
The store is a typical convenience Retail store selling a  
variety of goods including food and beverages, The store  
is to provide quick and convenient shopping for neighborhood,  
and safe - foods. Never been issue for food safety and  
Security program, Also will be adding on the new sign and  
lights, from of store  
we have one issue customer parking, on weekends  
this building have three Restaurants this is in and out  
store but people go to the Restaurant they parked <sup>from of store</sup> case  
2-3 Hours <sup>from of store</sup> can customers couldn't come in, they are very unhappy.

**USE CHARACTERISTICS**

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

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: \_\_\_\_\_

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 250 customers per day

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

ONE OWNERS None hired full time 2 full time employee  
(total 3 person)

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

Day:

Hours:

~~Mon~~ Sun — Thu

6:00am — 11 PM

Fri — Sat

6:00am — 12 — Midnight

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 that generated by typical  
retail business activities.

B. How will the noise from patrons be controlled?

No significant noise patrons expected.

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

No significant odors generated by use.

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

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

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

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

Approximately 8 cubic yards of waste per week.

C. How often will trash be collected?

Twice pickups per week by AAA Co,

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

Employee consistently perform litter walks and parking lot  
and property and in vicinity of 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:

---

---

---

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:

Store has closed circuit TV monitor and monitored alarm  
system, <sup>All the</sup> Live Lights all the time.

---

---

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

---

---

---

**ALCOHOL SALES**

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

Yes.  No.

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

Beer and wine are currently offered for sale.

---

---

---

**PARKING AND ACCESS REQUIREMENTS**

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

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

\_\_\_\_\_

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

6 Standard spaces

\_\_\_\_\_ Compact spaces

\_\_\_\_\_ Handicapped accessible spaces.

\_\_\_\_\_ Other.

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

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

\_\_\_\_\_

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

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

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

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

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

C. Where are off-street loading facilities located? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

A consolidated delivery is made to minimize the number of truck deliveries daily.

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

One or two deliveries daily.

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?

3,000 sq. ft. (existing) + 0 sq. ft. (addition if any) = 3,000 sq. ft. (total)

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

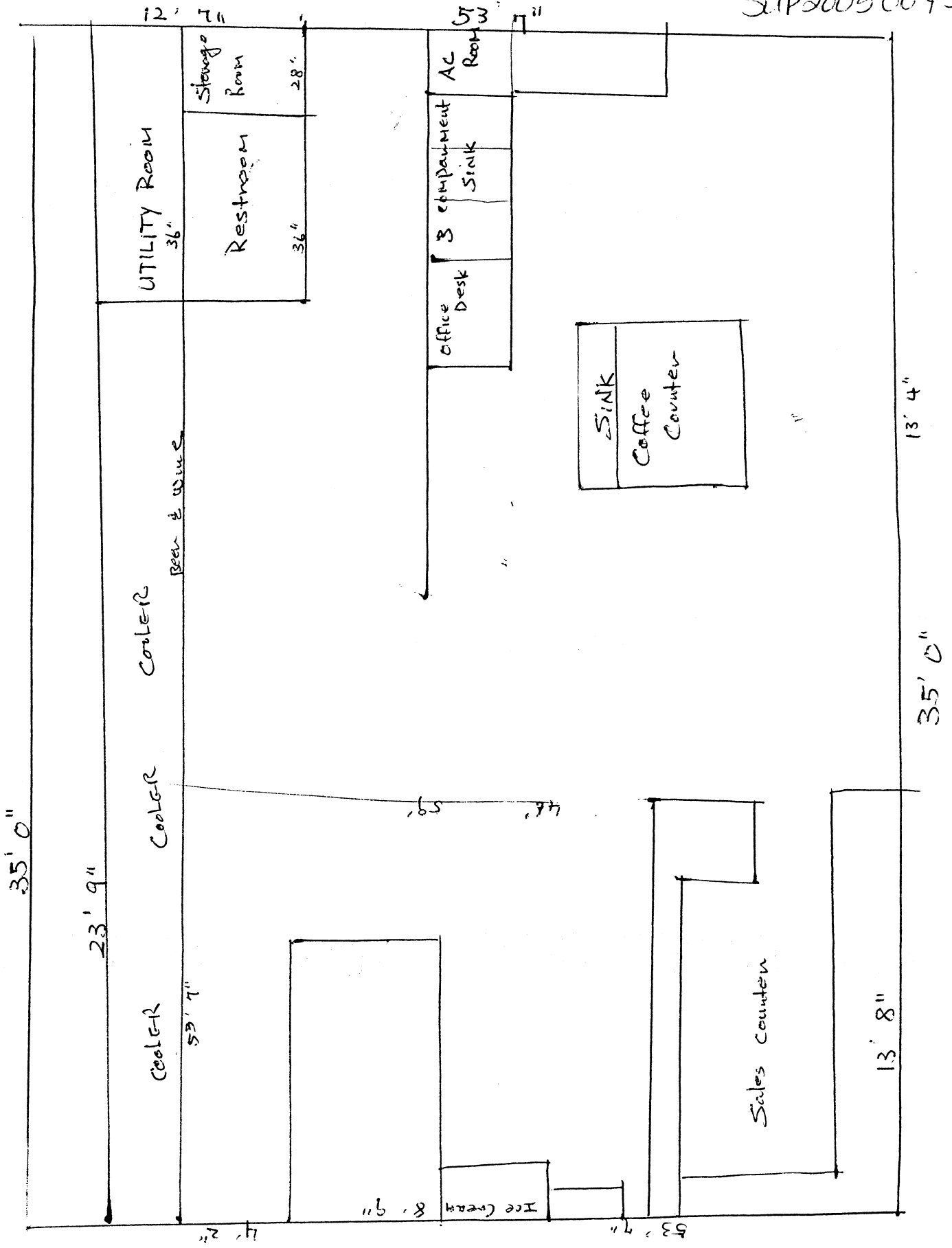
a stand alone building  a house located in a residential zone  a warehouse

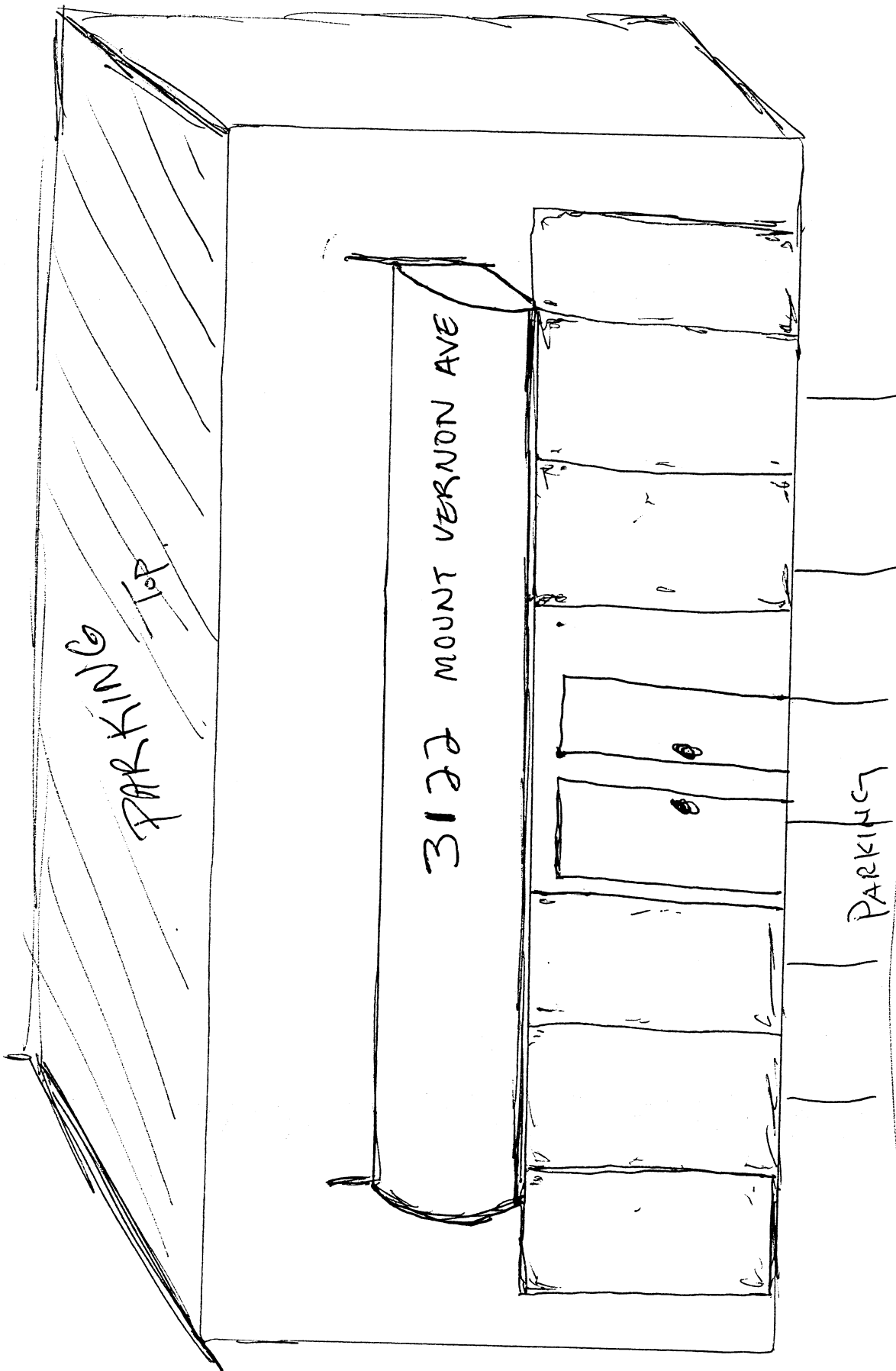
a shopping center. Please provide name of the center: \_\_\_\_\_

an office building. Please provide name of the building: \_\_\_\_\_

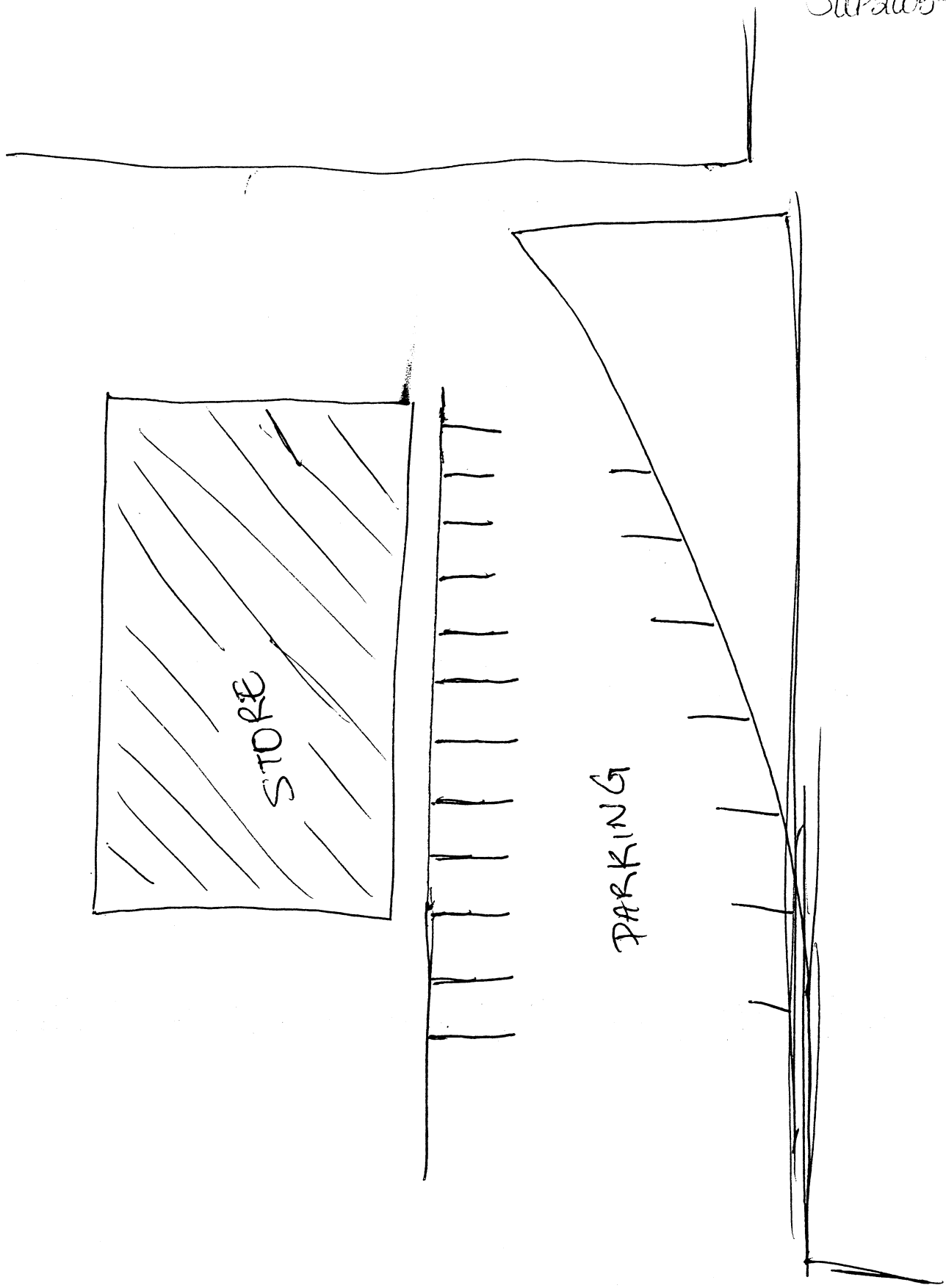
other, please describe: \_\_\_\_\_

SUP2005-0045





Mount Vernon Ave



APPLICATION for SPECIAL USE PERMIT # 2005-0145

[must use black ink or type]

PROPERTY LOCATION: 3122 Mount Vernon Ave Alexandria Va 22305

TAX MAP REFERENCE: 15-04-07-03 ZONE: CRMU-M

APPLICANT Name: MIA KIM (MIA'S MARKET)

Address: 9192 Point Replete Dr. Fort Belvoir Va 22060

PROPERTY OWNER Name: DC - HQ Corporation BI (703) 920-2456

Address: 4301 Columbia Pike Arlington Va 22204 (703) 548-1446

PROPOSED USE: Convenience store

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

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

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

MIA Kim  
Print Name of Applicant or Agent

Mia Kim  
Signature

3122 Mount Vernon Ave  
Mailing/Street Address

703-837-9790  
Telephone # Fax #

Alexandria Va 22305  
City and State Zip Code

April 12, 2005  
Date

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

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

ACTION - PLANNING COMMISSION: UC recommended approval

ACTION - CITY COUNCIL: 6/21/05 - CC approved the Planning Commission recommendation