

Docket Item # 15  
SPECIAL USE PERMIT #2004-0057

Planning Commission Meeting  
November 4, 2004

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

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

**LOCATION:** 2108 Mount Vernon Avenue

**ZONE:** CL/Commercial Low

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**PLANNING COMMISSION ACTION, NOVEMBER 4, 2004:** On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Conditions #6, #17, and #23, and to add Condition #26. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis, and incorporated conditions requested by the Del Ray Civic Association.

Speakers:

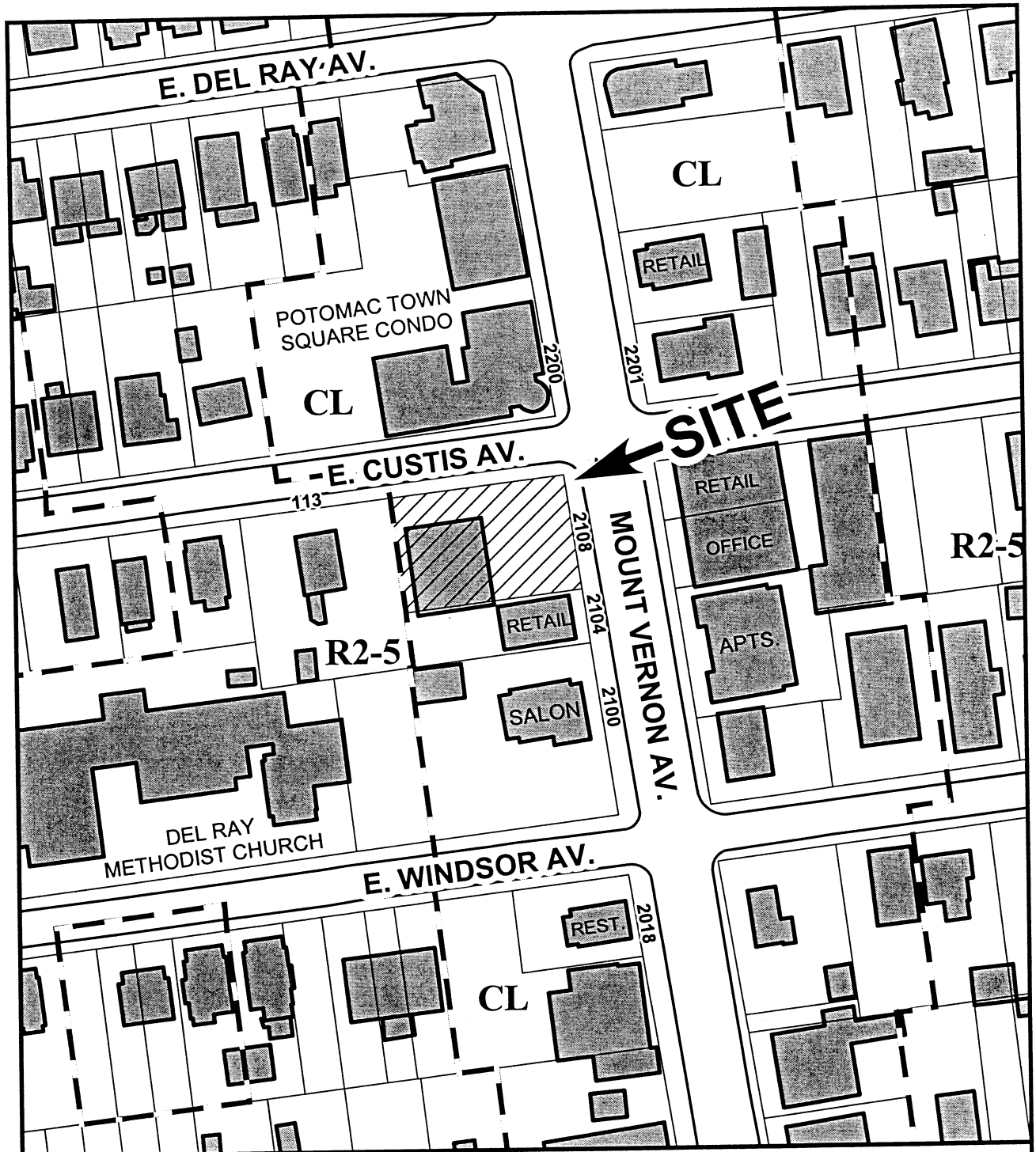
Maynard Sipe, representing the applicant, spoke in support of the application.

Gayle Reuter, with the Potomac West Business Association, spoke in support of the application stating that 7-Eleven has contributed to neighborhood events such as Art On the Avenue and the Halloween Parade.

Pat Miller, co-chair of the nonprofit group Community Partners for Children, spoke in support of the application stating that the 7-Eleven donates items to its organization without asking for recognition.

Amy Slack, representing the Del Ray Civic Association, spoke in support of the application, with some added conditions.

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



SUP #2004-0057

11/04/04



## I. DISCUSSION

### REQUEST

The applicant, 7-Eleven Inc., requests special use permit approval for the continued operation of a nonconforming convenience store located at 2108 Mount Vernon Avenue.

### SITE DESCRIPTION

The subject property is one lot of record with 80 feet of frontage on Mount Vernon Avenue, 116 feet of depth, with a total lot area of 9,437 square feet. The site is developed with a one story commercial building and surface parking. The alley at the rear of the property is private and used to access parking at the adjacent business. The subject building is approximately 2,714 square feet.

### SURROUNDING USES

The surrounding uses are a mix of commercial, office, and residential. Immediately to the west is a single family home. To the east are commercial uses including offices and a nail salon. To the south is an interior design and home furnishings store. To the north are offices.

### PROJECT DESCRIPTION

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

Hours: The store is open from 5:00 a.m. to 12:00 midnight daily.

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

Architecture: The applicant has agreed to a number of facade improvements including a gable, accentuated columns at the front, new trim, and a new wood fence along the south property line (See attached plans).

Landscaping: At staff's suggestion, the applicant will be removing paving and installing a additional landscaping at the north and southeast corners of the property, and along the eastern border of the property which will screen parking. The applicant has also agreed to install two street trees along Custis Avenue and additional plantings around the trash enclosure and along the north side of the property. The applicant also proposes planters at the front of the store (See attached plan).

Sign: The 7-Eleven sign located over the door will remain, but at staff's suggestion it will no longer be an internally illuminated sign. The applicant has agreed to remove the freestanding sign located closer to the street and proposes to install a monument sign.

Parking: There are eight parking spaces provided at the store, which will remain. Section 8-200 (F) (1) of the zoning ordinance states that any land that was in use on June 25, 1963, is not required to provide off-street parking to meet the current zoning. In this case, the store has been operating at this location since prior to that date; therefore, there is no technical parking requirement.

Trash Dumpster  
and Litter:

Trash generated is typically solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. The applicant anticipates approximately 36 cubic yards each week of recycling and waste. Trash is picked up by a private hauler several times per week. The dumpster is enclosed with a fence. Store employees perform a minimum of two litter walks per day to pick up litter around the store. Additional litter walks are performed three times per week by a contractor. To control litter, there are two trash cans located at the front of the store, and one located closer to the street. There is an older model city trash can located on Custis Avenue.

ZONING

The subject property is located in the CL/Commercial Low zone. The CL zone does not currently allow convenience stores, however, the nonconforming use may continue operating with special use permit approval.

MASTER PLAN

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 CL zoning.

MT. VERNON AVENUE PLAN

As part of the Mt. Vernon Avenue planning process, the community identified the subject property as a redevelopment opportunity site. Until such time that redevelopment is feasible, staff encourages that interim measures be undertaken to improve the property, which may include facade improvements and additional landscaping.

NEIGHBORHOOD

Staff attended the Del Ray Land Use Committee along with the applicant. There were concerns raised by other neighbors regarding litter, late night deliveries, noisy mechanical equipment, large delivery trucks blocking traffic, and other issues. Many who attended the meeting were generally supportive of the application.

**II. STAFF ANALYSIS**

Staff does not object to the continued use of the 7-Eleven located at 2108 Mount Vernon Avenue. Although staff has had some complaints regarding late night deliveries and other issues at the site, staff finds that these operational issues can be controlled and monitored through the conditions of the special use permit. The store is compatible with the mix of uses already in the area. The business provides a valuable convenience retail service to the community.

The existing configuration of this prominent Mt. Vernon Avenue site is not in character with the neighborhood. The long term vision of the community as discussed in the Mt. Vernon Avenue planning process is to have a building that sits closer to the street. However, neighbors also see the store as a convenience and in the short term, a special use permit provides an opportunity for significant improvements to the existing building and site.

Staff had concerns regarding the facade of the building and the lack of landscaping on the premises. Staff worked with the applicant over several months on improving the architecture and landscaping on the property to address these concerns, which included input from the Del Ray Land Use Committee. Regarding the architecture, the applicant proposes a number of facade improvements for the entire building including the removal of the colored bands at the front of the facade, the addition of new moldings and trim above the existing windows, and covers on the existing columns to make them more prominent and be a more integral part of the architecture of the building, similar to neighboring buildings to the south. The existing 7-Eleven sign above the entrance will not be internally illuminated. Staff recommends a minor addition to this which, is a base board along the bottom of the gable to create a continuous entablature.

In response to staff's concerns about the lack of landscaping on the property and the visual impact of the parking lot, the applicant proposes a variety of new plantings. The applicant has agreed to remove pavement and install landscaping to screen parking along Mt. Vernon Avenue. The applicant will also be removing pavement at the northeast and southeast corners of the property, and adding plant materials. In addition, the applicant proposes two new trees on the Custis Avenue frontage, and plant materials at the northern border of the property. The existing freestanding sign will be removed, and replaced by a monument sign. The landscaping will make the site more attractive and will convert excessive paved areas to landscaping.

Regarding the issue of large delivery trucks having difficulty maneuvering the narrow streets and blocking traffic, staff recommends that the size of the delivery truck trailer not exceed 35 feet, consistent with the approved condition at the 7-11 at 800 Franklin Street (SUP#2003-0095). Staff also recommends that all vendors be notified of this restriction within 60 days of approval, and on an annual basis thereafter.

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

Staff also recommends a city trash can be placed along both Mt. Vernon and Custis Avenues, one of which will replace an existing old can. Staff recommends a number of other conditions similar to those already approved for the previous 7-Eleven cases, and finds that these conditions address the issues raised by neighbors.

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 closing hour shall be no later than 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. **CONDITION AMENDED BY THE PLANNING COMMISSION:** 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. (P&Z) (PC)
7. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
8. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
9. No seats or tables shall be provided for the use of patrons. (P&Z)
10. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
11. The applicant shall provide the City \$1,678.00 for two Model SD-42 Bethesda Series litter receptacles, one of which shall replace the existing can, for installation on the adjacent public right-of-ways Custis and Mount Vernon Avenues. Contact T&ES Solid Waste Division (703/751-5130) for information. (T&ES) (P&Z)
12. Lighting shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (P&Z)
13. The applicant is required to take immediate measures to mitigate noise from HVAC/chiller units with measures that may include, but may not be limited to, installation of a noise barrier, replacement of noisy equipment with quieter equipment, etc. The property must be brought in compliance with the provisions of Noise Ordinance within 30 days of approval of this SUP, to the satisfaction of the Director of Transportation and Environmental Services. (T&ES)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)

15. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
16. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES)
17. **CONDITION AMENDED BY THE PLANNING COMMISSION:** The applicant shall implement the facade improvements consistent with the attached plans, except that a base board shall be installed along the bottom of the gable to create a continuous entablature, and that the proposed T1-11 vertical siding in the portico gable facade shall be replaced with a more-suitable composition material and style such as horizontal siding, stucco or solid panel siding characteristic of the neighborhood architecture, to the satisfaction of the Director of Planning and Zoning. (P&Z) (PC)
18. The applicant shall install, and thereafter maintain in good condition, landscaping according to the attached landscaping plan to the satisfaction of the Directors of Planning and Zoning and Recreation, Parks and Cultural Services. (P&Z)
19. The applicant shall remove the existing freestanding sign, and install a new monument sign to the satisfaction of the Director of Planning and Zoning. (P&Z)
20. Business signs shall comply with the Mount Vernon Avenue Design Guidelines. Internally illuminated box signs shall not be allowed. (P&Z)
21. 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)
22. The applicant shall screen the dumpster to the satisfaction of the Director of Planning and Zoning and shall maintain the screening in good condition. (P&Z)

23. **CONDITION AMENDED BY THE PLANNING COMMISSION:** The trailer length of trucks making deliveries shall not exceed 35 feet. On an annual basis, the applicant shall inform all vendors of this restriction and notify them that delivery trucks shall not block traffic when making deliveries. The applicant shall provide to staff in writing, 60 days from the date of approval, the method that it informed, and will annually inform, the vendors of this restriction. Deliveries shall occur on site, be scheduled to occur between 6:00 a.m. and 10:00 p.m., and be conducted in a manner respectful of the neighborhood. (P&Z) (PC)
24. Lighting on the property shall be shielded to prevent glare on adjacent properties. (P&Z)
25. 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)
26. **CONDITION ADDED BY THE PLANNING COMMISSION:** No pay phones shall be allowed on the exterior of the building. (PC)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Valerie Peterson, 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:

- F-1 Lighting survey indicates good lighting at location.
- F-2 The property failed to meet the permitted Noise Levels standards of 55 dB(A) at its property line because of the noise from operations of the HVAC/chiller unit (at the back of the property). The fence around the unit is not an acoustic barrier.
- R-1 It is recommended that as part of this SUP conditions, the applicant is required to take immediate measures to mitigate this noise from HVAC/chiller units with measures that may include but may not be limited to installation of noise barrier, replacement of noisy equipment with quieter equipment etc.. The property must be brought in compliance with the provisions of Noise Ordinance within 30 days of this SUP.
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-3 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-4 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.
- R-5 Applicant shall provide the City \$839.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way. Contact T&ES Solid Waste Division (703/751-5130) for information.(T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- F-1 Two complaints were investigated by Code Enforcement over the past year. They are listed as follows:

CMP2003-03235 - August 21, 2003: Building materials stored in parking lot. Abated August 26, 2004.

CMP2003-03380 - August 28, 2003: Cinderblocks stored in parking lot. Abated September 3, 2003.

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

Health Department:

- F-1 This facility is currently operating as 7- Eleven under Alexandria Health permit, issued to The Southland Corporation.
- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility and all modifications must meet current Alexandria City Code requirements for food establishments.
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction/modifications. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-4 Permits and/or approval must be obtained prior to operation.
- C-5 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 Certified Food Managers must be on duty during all hours of operation.

- C-7 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2, requirements.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

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

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

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

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

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

# APPLICATION for SPECIAL USE PERMIT # 2004-0057

[must use black ink or type]

PROPERTY LOCATION: 2108 Mt. Vernon Avenue, Alexandria

TAX MAP REFERENCE: 034-02-16-05 ZONE: CL

APPLICANT Name: 7-Eleven, Inc.

Address: 5300 Shawnee Road, Alexandria, VA 22312

PROPERTY OWNER Name: 7-Eleven, Inc. d/b/a Kwik Check Realty Co., Inc.

Address: P.O. Box 711, Dallas, TX 75221-0711

PROPOSED USE: convenience store

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

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

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

Michael R. Vanderpool, Esquire

Maynard Sipe, Esquire

Print Name of Applicant or Agent

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

Mailing/Street Address

Manassas, VA 20110

City and State Zip Code

Signature

*Signed cover memo attached*

703-369-4738  
Telephone #

703-369-3653  
Fax #

Date

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

Application Received: 4/29/04

Date & Fee Paid: 500.00

\$ 4/30/04

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.

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

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

☐ Yes. Provide proof of current City business license

☒ No. The agent shall obtain a business license prior to filing application, if required by the City Code.

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

**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)

See Attached

SUP2004-0057

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

**2108 Mt. Vernon Avenue, Alexandria**

**WRITTEN NARRATIVE**

7-Eleven, Inc. ("7-Eleven" or "Applicant"), the owner of the property described in the City of Alexandria land records as Tax Map Parcel Number 034-02-16-05 and having a street address of 2108 Mt. Vernon Avenue, Alexandria, Virginia (the "Property") requests approval of a Special Use Permit (SUP) to continue operating the existing use of a convenience store (the "Store"). This request is in accordance with Section 12.214 of the City of Alexandria's Zoning Ordinance that requires such SUP for continuance of any existing legal non-conforming use.

The Store contains approximately 2714 square feet. It is zoned Commercial Low Zone (CL).

The Store is located on the corner of Mt. Vernon Avenue and East Custis Avenue. The immediate area is one of mixed commercial and residential uses. The Store is well established and provides a valuable service to residents of the neighborhood.

**Nature of Activity**

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

**Architecture**

The Store building's existing façade is illustrated in the attached color photos (Exhibit A). Facade improvements will be made in general accordance with architectural elevations to be

submitted. The existing color bands will be removed from the fascia. A paneling effect will be used to provide detailing over the storefront windows (in the area where banner signs have been located in the past).

A standard 7-Eleven sign will remain above the entrance. The existing pole sign will be removed and will be replaced with a monument sign in the same location.

#### Landscaping

New landscape plantings will be provided in accordance with the Landscape Plan submitted. The dumpster enclosure will be screened.

#### Parking

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

#### Waste Management

Trash generated is typical solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. Trash is picked up by a private hauler several times per week.

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

#### Conclusion

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

**USE CHARACTERISTICS**

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

☐ a new use requiring a special use permit,

☐ a development special use permit,

☐ an expansion or change to an existing use without a special use permit,

☐ expansion or change to an existing use with a special use permit,

☒ other. Please describe: Continuation of a non-conforming use (under Section 12-214 of the Zoning Ordinance).

5. Please describe the capacity of the proposed use:

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

Approximately 800 to 1,100 customers per day

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

Approximately eight (8) employees total. Maximum of four (4) employees per shift.

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

Day:

365 days per year

Hours:

24 hours per day

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

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

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

B. How will the noise from patrons be controlled?

No significant noise from patrons anticipated.

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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?

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

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

Approximately 18 cubic yards of waste per week.

C. How often will trash be collected?

Multiple waste pick ups per week by private hauler (BFI).

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

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

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

☐ Yes. ☒ No.

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

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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 residents, employees and patrons?

Store has closed circuit TV and monitored alarm system.

### ALCOHOL SALES

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

☒ Yes. ☐ No.

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

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

**PARKING AND ACCESS REQUIREMENTS**

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

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

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

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

Eight (8) Standard spaces

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

One (1) Handicapped accessible spaces.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Existing access is adequate

#### SITE CHARACTERISTICS

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

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

How large will the addition be? 0 square feet.

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

2,714 sq. ft. (existing) + 0 sq. ft. (addition if any) = 2,714 sq. ft. (total)

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

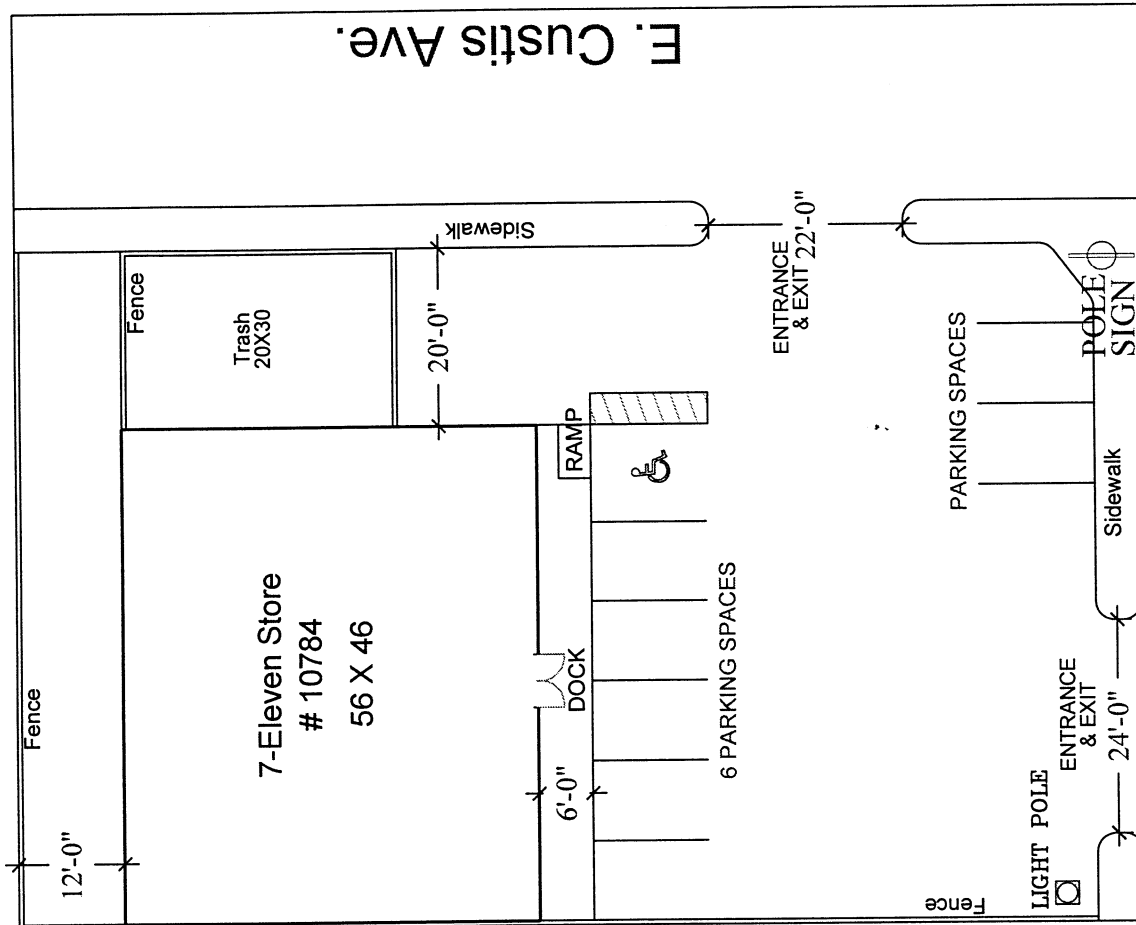
☒ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

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

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

☐ other, please describe: \_\_\_\_\_

N



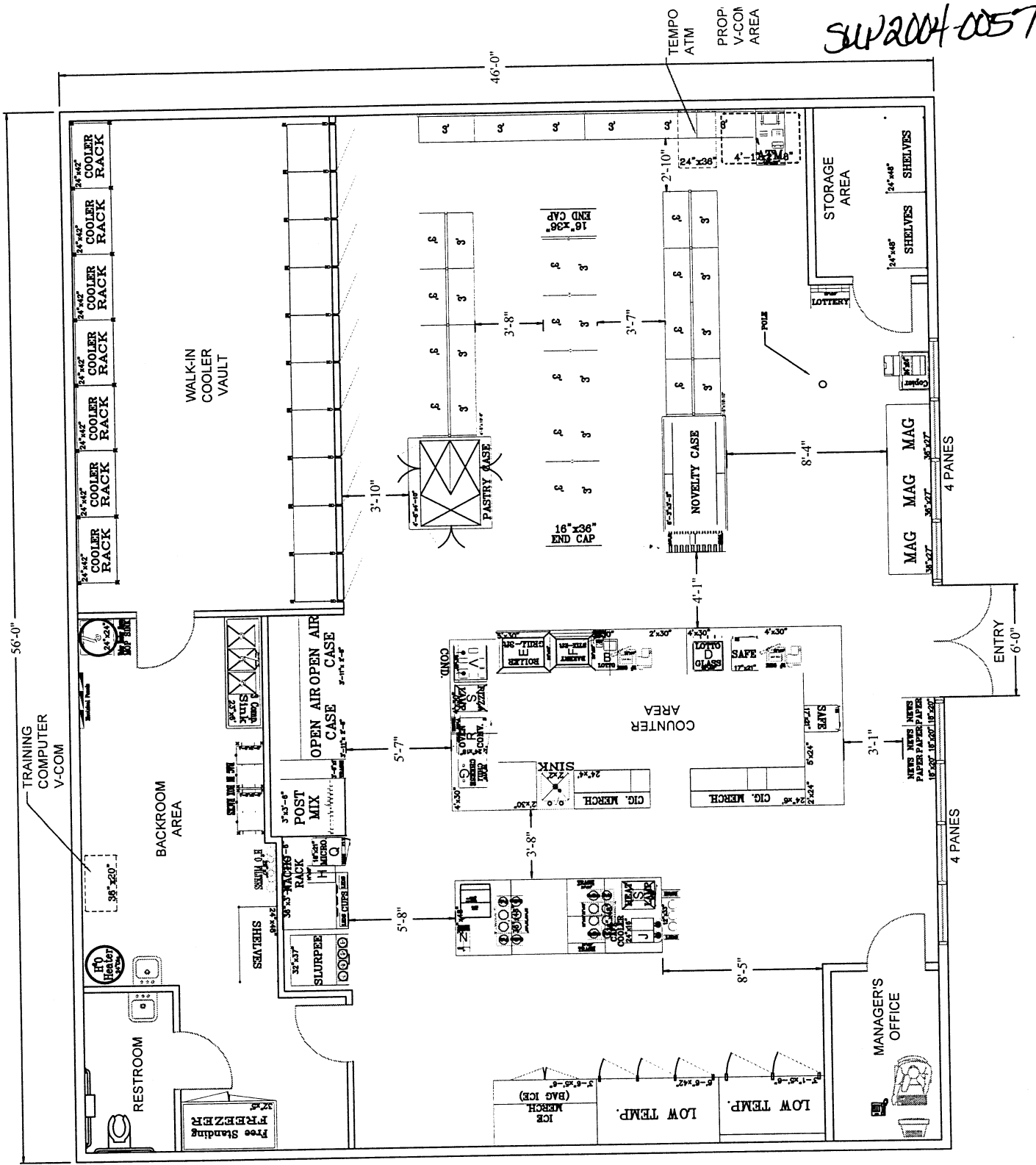
**Mt. Vernon Ave.**

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

7-11 Store # 10784  
Market # 2554  
2108 Mt. Vernon Ave.  
Alexandria, VA. 22301

# SYMBOL LEGEND

- A = POINT OF SALE (CASH REGISTER)
- B = LOTTO MACHINE
- C = DROP SAFE
- D = LOTTO GLASS
- E = ROLLER GRILL, (2 ft or 3 ft)
- F = BAKERY STIX GRILL
- G = CHILI CHEESE
- H = NACHO RACK
- I = HOT TEA POT
- J = CAFE COOLER
- K = HOT CHOCOLATE
- L = CAPPUCCINO-SPECIALTY COFFEES
- M = COFFEE, 4 WAY SYSTEM
- N = COFFEE BEAN GRINDER
- O = COFFEE-HOT CHOCOLATE
- P = COFFEE BREWER, 4 POTS
- Q = MICROWAVE OVEN
- R = CONVECTION OVEN
- S = HEAT LAMP
- T = FOOD WARMER
- U = HEAT LAMP
- V = CONDIMENTS, (SMALL/LARGE)
- W = COFFEE CONDIMENT TRAY



SUP 2004-0057

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

7-11 Store # 10784Market # 2554  
2108 Mt. Vernon Ave.  
Alexandria, VA. 22301

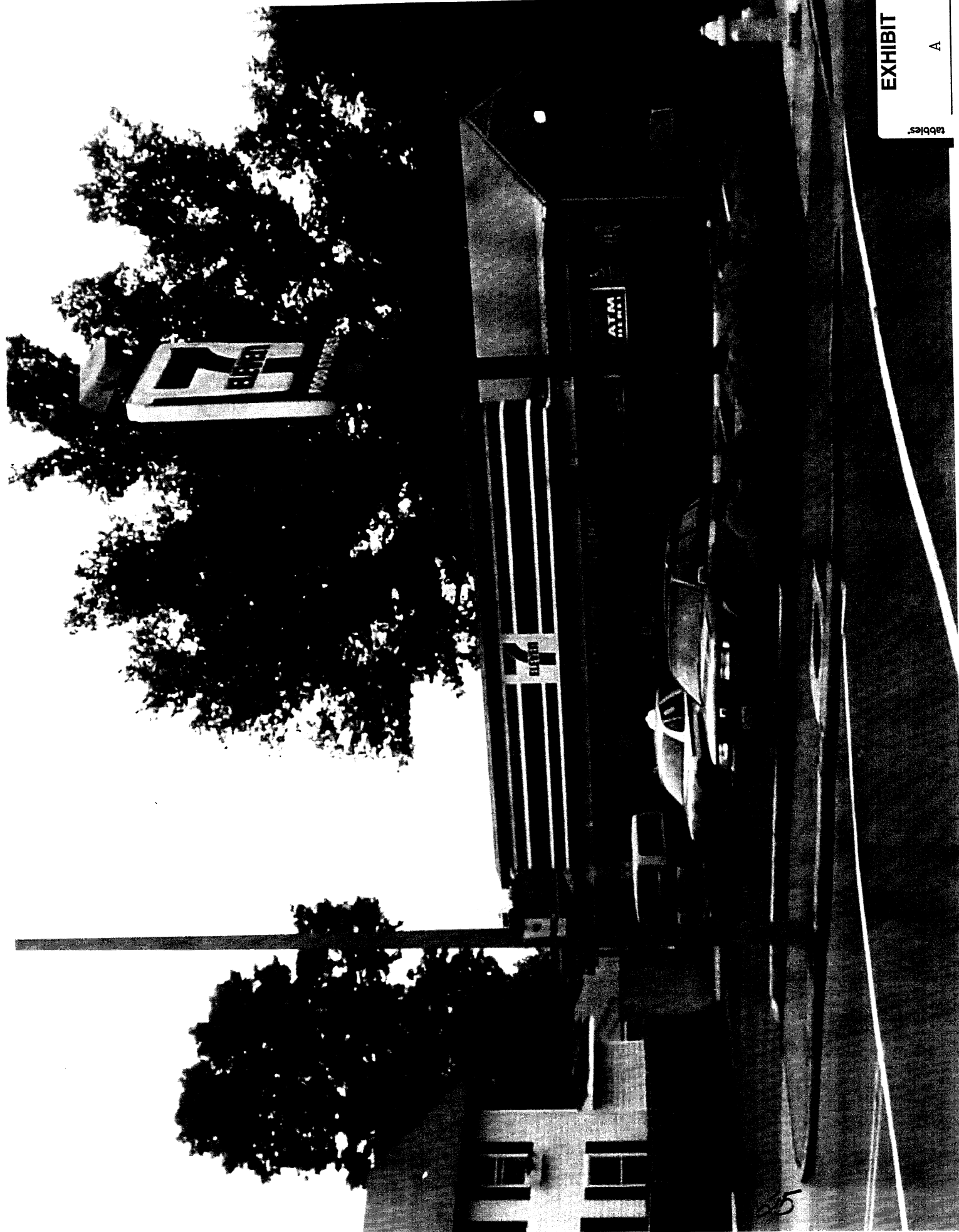
24

SUP2004-57

EXHIBIT

A

tabbles



**PROPOSED FACADE IMPROVEMENTS  
7-ELEVEN STORE  
2108 MT. VERNON AVENUE**

As part of its SUP application for the 7-Eleven Store located at 2108 Mt. Vernon Avenue, 7-Eleven, Inc. is proposing architectural improvements to the store's facade. These improvements restore the building to its original configuration with a gable end facing Mt. Vernon Avenue, and improve the facade's appearance by adding more detailing such as moulding, trim and columns.

The existing color banded fascia will be removed revealing the existing gable end. The gable end will be re-faced with shadow line siding as has been done at the store on Franklin Street. New raised parapet mouldings and trim will be installed along the gable's edge. New trim, mouldings and gutter will be installed along the portico creating a cornice. The existing metal poles supporting the portico roof will be sheathed with new columns.

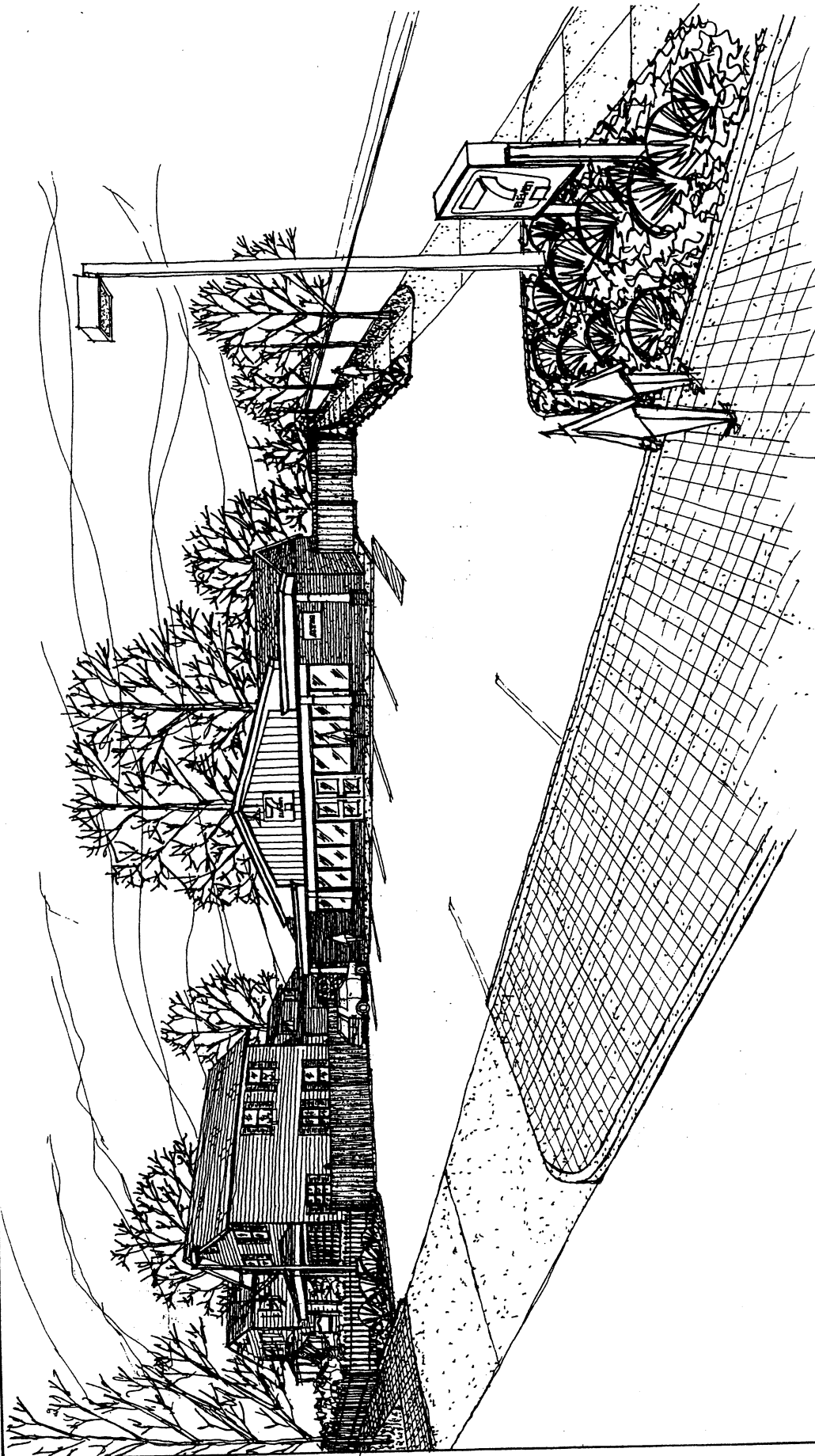
The City's staff had requested that the gable not extend past the inner poles supporting the portico. The gable width is already established by the existing structure which would be difficult to rebuild. The new design addresses the visual concern by extending the new portico cornice over the inner columns and tying in the new trim along the gable's edge. The staff requested sheathing the portico's support poles which 7-Eleven will do. However, due to concerns about maintenance of new columns, the columns will consist of round white columns resting on a new brick base. The brick bases will better withstand impacts from vehicles' bumpers. It proved impractical to add additional columns as the staff suggested, as they would impede access to the front door due to the depth of the portico (the columns will extend within three feet of the face of the building). Staff also suggested installation of new windows in the existing storefront. The proposed design works well with the existing windows. The panel above the windows will be painted to match the new trim and mouldings.

All lighting will be shielded. The portico will be lit by lighting recessed in the soffit. The existing "wall pack" lights on the side and rear of the store building will be replaced with shielded lights. The 7-Eleven sign above the entrance will be lit by a shielded pendant light.

The gable roof design is appropriate within the Mt. Vernon corridor. There is a wide variety of building types along Mt. Vernon Avenue. This variety is part of the character of the streetscape. In particular, the gable design is appropriate because of the context established by the rooflines of the existing residential structures facing Mt. Vernon Avenue along the block containing the 7-Eleven store.

The proposed design is also in keeping with the Mt. Vernon Avenue Urban Design Guidelines. The gable end and portico with its new cornice provide a more welcoming facade that is appropriately scaled. The new detailing provides interest to the facade. The gable end and the break in the portico cornice provide clear definition of the store building's entrance. Overall, the facade, particularly when viewed in context with other site improvements such as landscaping, is significantly less intrusive than the existing color banded fascia and blends nicely into the neighborhood streetscape as is shown in the perspective sketch provided.





## **7-Eleven Store**

2108 Mount Vernon Avenue

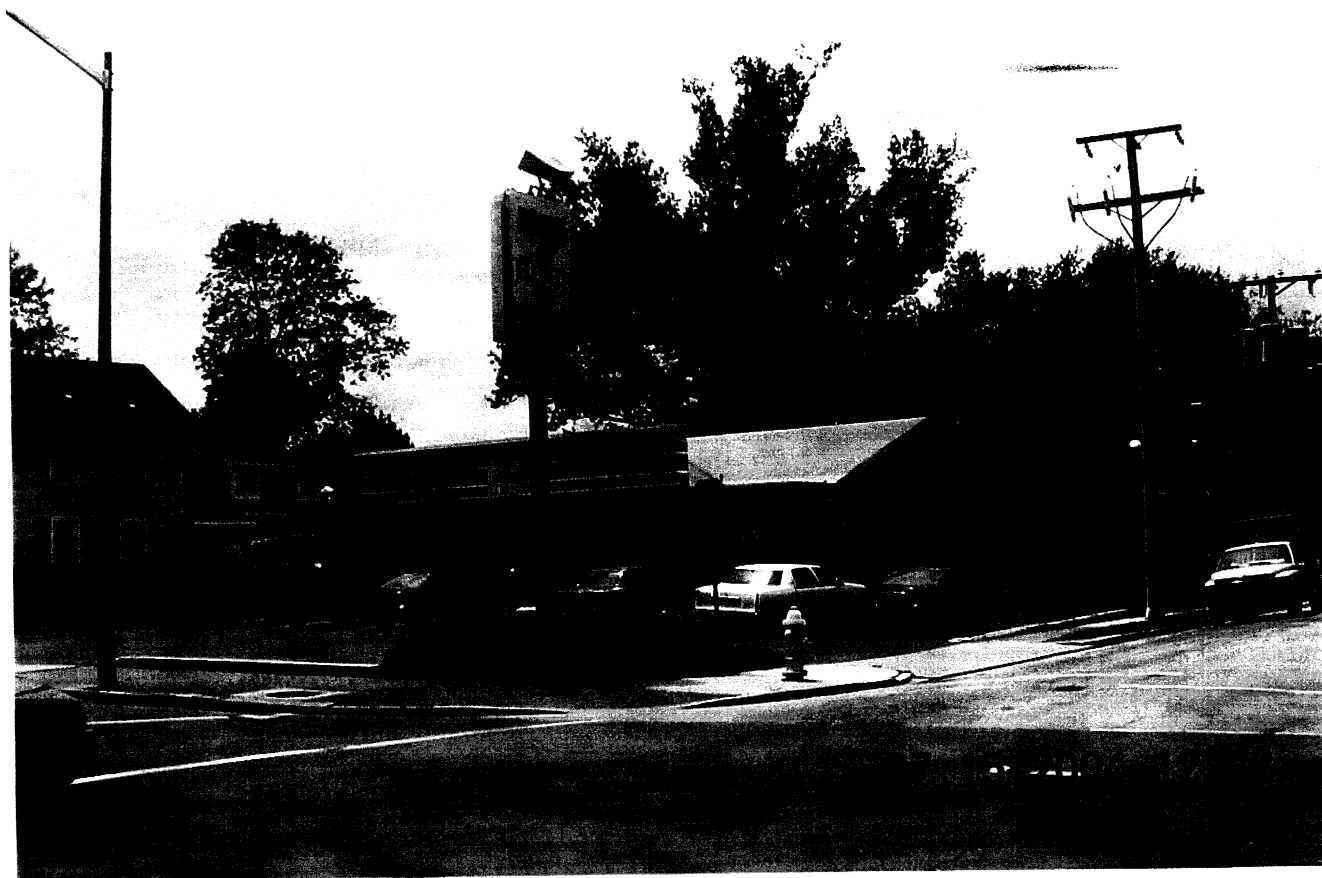
**Perspective Sketch**

**URS** CONSULTING ENGINEERING  
AND PLANNING

1/24/04

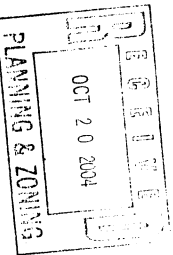
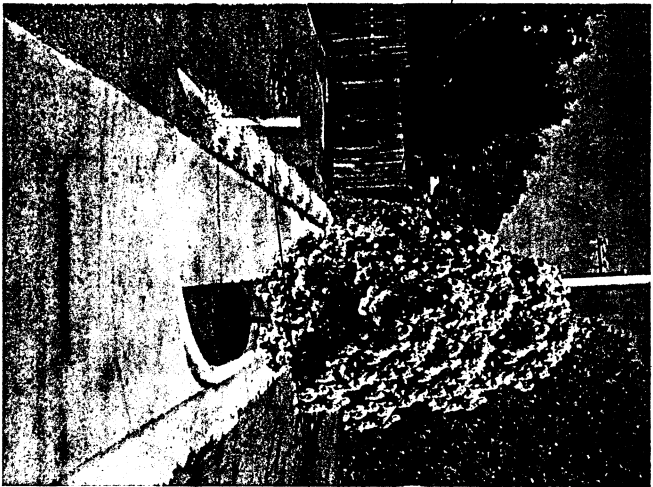
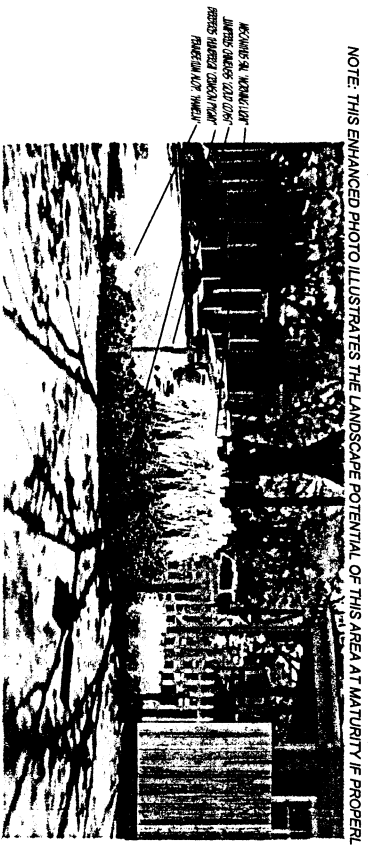
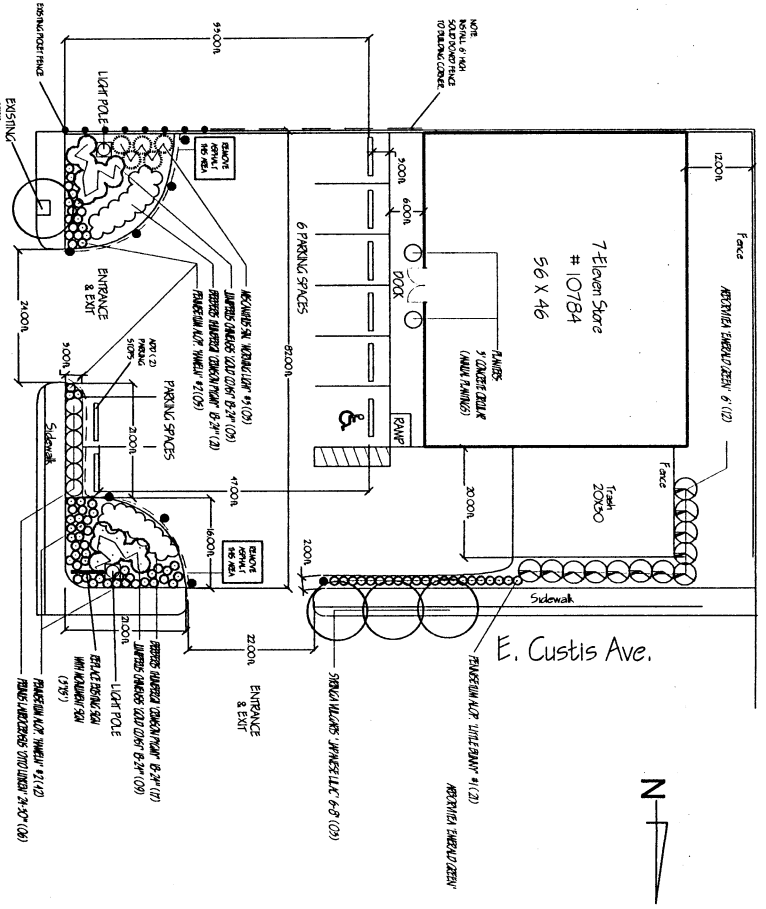
1169461-10794





THE TRUGREEN LANDSCAPE IS THE PROPERTY OF TRUGREEN LANDSCAPE

# TRUGREEN Landcare



7-11 Store #10784  
Market # 2554  
2108 Mt. Vernon Ave.  
Alexandria, VA 22301

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

7-11 STORE #10784  
LANDSCAPE RESURFACING  
SCALE: 1" = 20'-0"  
DATE: 10-15-04  
DAN WHITE, PLANNING & ZONING  
DAN B. RYAN

VANDERPOOL, FROSTICK & NISHANIAN, P.C.

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

SUP 2004-0057

703-369-4738  
FAX 703-369-3653  
E-MAIL INFO@VFNLAW.COM

April 29, 2004

**VIA HAND DELIVERY**

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

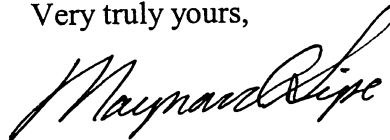
Dear Ms. Fogarty:

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

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

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

Very truly yours,



Maynard L. Sipe

MLS  
Enclosures

cc: Todd Patrick

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

32

Ken and Nadine Boland  
Boland Properties, LLC  
2214 Mount Vernon Avenue  
Alexandria, VA 22301

October 22, 2004

PC Docket Item # 15  
SUP 2004-0057

Eric Wagner  
Alexandria Planning Commission  
301 King Street, Suite 2100  
Alexandria, VA 22314

Dear Mr. Wagner,

As a property and business owner on Mount Vernon Avenue and a citizen of Alexandria, I am sending this letter to express my support of 7-Eleven's SUP to continue operating their existing convenience store on 2108 Mount Vernon Avenue. This will come before the Planning Commission on November 4.

7-Eleven provides a necessary and valuable service to the community. This particular 7-Eleven actively supports Del Ray/Potomac West activities with donations of food, time and money. They are an excellent example of big business working with the community they serve.

I urge you to approve this SUP.

Best regards,



Ken Boland



Nadine Boland

# Del Ray Citizens Association

PO Box 2233

Alexandria VA 22301

Established 1954

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

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

Date: November 2, 2004

Subject: SUP#2004-0057; 7-Eleven, Inc. at 2108 Mt. Vernon Avenue.  
Consideration of a request for a special use permit to operate a  
convenience store. Zoned CL/Commercial Low

*PC Docket Item #15  
SUP2004-0057*

At our meeting on October 21, the Land Use committee held a final meeting with Mr. Maynard Sipe, attorney for the applicant. The item was announced in the Association newsletter.

Mr. Sipe had met with us previously in July, accompanied by Mr. John Donovan, Market Manager to discuss 7-Eleven's proposal for a variety of site improvements and listen to complaints in order to address neighborhood concerns. We distributed flyers in the neighborhood. A group of immediate neighbors were in attendance at our July meeting; some expressed support.

In September, accompanied by Store Manager Mr. Bobby March, Mr. Sipe updated us on the discussions they'd had with Planning staff.

This 7-Eleven convenience store has been a fixture in the community for many years, the past several as a non-conforming use. Action by City Council will allow 7-Eleven stores citywide to continue operation, replace or upgrade equipment, and invest in site improvements. Staff has suggested and the applicant has agreed to: major facade improvements including the removal of the signature colored bands, landscaping in the northeast and southeast corners of the parking lot, a sound insulating fence and evergreen screening of the dumpster enclosure, trees and a planting strip along the Custis Avenue sidewalk, new lighting for the site and signs, and a new monument sign.

The committee recommended support for the request with conditions in addition to those normally requested by staff. We look forward to continue a mutually friendly relationship with the store management, their goodwill and inclusion in community events.

At their October 28, 2004 meeting, the Executive Board voted to support the recommendation with the following conditions:

- All signs and illumination, site and streetscape improvements shall follow the intent of the Mt. Vernon Design Guidelines.

*34*

- Delivery truck size shall not exceed 32' in length as proffered by the applicant.
- Deliveries shall occur on-site.
- Deliveries shall occur between the hours of 8AM to 10PM.
- Dumpster collection shall occur between the hours of 8AM to 8PM.
- Litter shall be picked up 100' from the site, twice per day and at the close of business or more often as needed.
- All exterior lighting shall be pedestrian oriented, downward casting and shielded so as not to project from the site.
- No pay phone shall be allowed on the exterior of the building.
- The proposed T1-11 vertical siding in the portico gable façade shall be replaced with a more suitable composition material and style such as horizontal siding, stucco or solid panel siding characteristic of the neighborhood architecture.
- The sidewalk, along the front of the building, shall be extended to incorporate vehicular wheel stops.

Furthermore,

We encourage the applicant to investigate shared parking arrangements that would increase on-site patron parking by allowing employees to park elsewhere in off-street lots.

We support the applicant in their request to allow parking along Custis Avenue.

We ask that the free standing sign to be of a size, placement, and illumination manner so as not to create a hazard nor interfere with safe vision clearance.

We request your support for this position and welcome your questions and comments.

Please feel free to contact Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060 and President Justin Wilson at 703-299-1576.



Valerie Peterson  
11/08/2004 10:04 AM

To: Kendra Jacobs/Alex@Alex  
cc:  
Subject: FW: 7-11

----- Forwarded by Valerie Peterson/Alex on 11/08/2004 10:04 AM -----



"Mary Ann"  
<binque406@comcast.net>  
11/06/2004 06:15 PM  
Please respond to  
binque406

To: <kathleen.beeton@ci.alexandria.va.us>,  
<valerie.peterson@ci.alexandria.va.us>  
cc: <johnkirk@comcast.net>  
Subject: FW: 7-11

Dear Kathleen and Valerie:

I sent the following email to Rob Krupicka last night.

We read the staff report on this issue and find that it doesn't address the ongoing issues of the behavior of the customers that are drawn to such an establishment. One time, when my husband tried to chase a fellow out of the easement behind the store, the fellow calmly walked over to John and pushed him. We were told by the police never to confront these people who feel compelled to relieve themselves in public, but if we call the police, the offending person is long gone before they get here. In the summer, it smells like a latrine when we walk on the Custis Ave side.

We disagree with the report's statement that this store provides a valuable service to the neighborhood. A large proportion of its sales seem to be tobacco and alcohol.

This is a huge quality of life issue for the neighborhood. The presence of the store in this location is unnecessary. Many of the customers arrive in cars. This store is about equidistant between two other 7-11s that are more appropriately placed in areas where they don't impact residential areas as this one does.

The issues of landscaping and a new facade are strictly superficial. The real problems won't go away.

Sincerely,

Mary Ann Kirkpatrick  
113 E Custis Ave  
Alexandria VA 22301

-----Original Message-----

**From:** Mary Ann [mailto:binque406@comcast.net]

**Sent:** Friday, November 05, 2004 10:07 PM

**To:** Rob & Lisa Krupicka

**Subject:** 7-11

Hi Rob:

The 7-11 at 2108 Mt Vernon Ave, will be before City Council Saturday, November 13th, requesting an SUP.

We, of course, are opposed because they have been undesirable neighbors, and they are unsuitable to do business so close to a residential area. Our home is surrounded on three sides by non-residential properties, including a very busy hair salon. None of the other businesses impacts us in any negative fashion, as does the 7-11.

- Drivers leave their engines running while going into the store.
- People urinate against the fence on the side, in public view in broad daylight
- Squirrels and other animals bring food - hot dogs, donuts, chicken wings, etc, into our yard several times a week because the 7-11's trash isn't always secured, and their customers frequently throw food items on the ground.
- In the past we've had to pay \$100 for pest control because of vermin from the 7-11.
- Every day we pick up wrappers, pizza boxes and Big Bite boxes from their customers.
- We regularly have to chase people out of the easement behind the 7-11 because when the gate is open, they try to go back there to urinate.
- Only once during last winter did they shovel their walk on the Custis Ave side, leaving it as an unnavigable treacherous icy path for days, if not weeks in the severely cold weather.
- They have a delivery 7 days a week at 10 p.m. or later. We arise at 5:00 a.m., and the crashing of this truck's tailgate has often abruptly awakened us.

With all these issues, I'd like to know how the Land Use Committee can say that there is community support for this business. No other business on the Avenue impacts Quality of Life in such negative ways. We have a lovely home that is diminished in its appeal by its proximity to this non-compliant business. Yes, we knew the 7-11 was there when we bought the house. We didn't know they would be out of compliance with the basics of being good neighbors.

We're weary of this battle. Their management tells us repeatedly that they will address the issues. Then they do, for a short period.

One of the issues that was raised in the Land Use Committee recommendations was the lifting of the No Parking, Stopping or Standing area at the curb on E Custis. We had requested that restriction several years ago because it's very difficult to approach Mt V Ave from this side of E Custis when cars and trucks are parked there. A driver on Custis must encroach on the opposite side of the street, and people turning west onto Custis from Mt V can't see us coming. I have also almost been broadsided by 7-11 customers exiting onto Custis, and they can't see because of parked vehicles. Even with the parking restrictions, drivers come flying off Mt V Ave and park on the wrong side of the street! The other night when I was walking my dog alongside the 7-11, a car came around the corner and swung so wide, I thought it was going to jump the curb. It turned out the driver was parking on the wrong side to dash into the 7-11.

Please share your thoughts with us on this matter. We thought we had the support of the Land Use committee, but we should have known better. The meeting we attended in July was a poorly run fiasco, with Paul Haire pointing his finger and issuing threats to the 7-11 folks.

I hate to have to give up a valuable Saturday next week, when I need to be making pots for Christmas, if we're just spitting into the wind.

Thanks for your time. We can imagine how busy you are.

/John Kirkpatrick/  
/Mary Ann Kirkpatrick/

4, 6, 7, 8, 11  
11-13-04



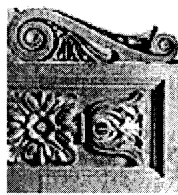
Michele Evans/Alex  
11/12/2004 06:57 PM

To alexvamayor@aol.com, delpepper@aol.com,  
council@joycewoodson.net, ahmacdonald@his.com,  
rob@krupicka.com, PaulCSmedberg@aol.com,  
cc Phil Sunderland/Alex@Alex, Ignacio Pessoa/Alex@Alex, Jackie  
Henderson/Alex@Alex, Eileen Fogarty/Alex@Alex  
bcc  
Subject Responses to Questions About Items on the Saturday, November  
13 Public Hearing Docket

Below for your information are responses from the Planning and Zoning Department to questions from Councilman Krupicka about November 13 docket items.

Michele

----- Forwarded by Michele Evans/Alex on 11/12/2004 06:48 PM -----



Hal Phipps/Alex  
11/12/2004 04:38 PM

To Rob@Krupicka.com  
cc Eileen Fogarty/Alex@Alex  
Subject Restaurant Closing Hours and 7-11 Issues

This is the response that I promised to send you on restaurant closing hours for the four restaurant SUPs and the 7-11 issues. If there are any questions, please let me know.

**Response to concerns on Docket Item #4, restaurant at 4551 Duke (Foxchase Center):**

The applicant requested a closing hour of 12:00 midnight Monday through Saturday, and 10:00 p.m. on Sunday. Closing hours of restaurants within the Foxchase Shopping Center range from 10:00 p.m. to 12:00 midnight, depending on the night of the week. Staff recommends a closing hour of 12:00 midnight daily for two reason: (1) to address Council's direction of providing more flexibility to applicants, and (2) because it does not anticipate any problems associated with late closing hours. The center is located on a busy and loud thoroughfare, has a variety of active uses with varying operating hours, and will be redeveloped with uses that most likely remain open and active during late night hours. Therefore staff finds that the 12:00 midnight closing hour is appropriate and compatible with the surrounding uses.

**Response to concerns on Docket Item #6, restaurant at 820 S. Pickett:**

The applicant requested a closing hour of 6:30 p.m. Monday through Friday, and 5:00 p.m. Saturday and Sunday. There are no restaurants in the immediate area to compare hours with, and because it is an industrial area, there would be few patrons during the evening hours that would

necessitate a late closing hour at this location. Staff recommended a closing hour of 9:00 p.m. daily to provide some flexibility in the event that the applicant may later choose to serve carryout patrons on their way home from work, and to be more consistent with the hours previously approved for a restaurant at this location.

**Response to concerns on Docket Item #7, restaurant at 105 S. Union Street:**

The applicant proposes extending the hours of operation to 11:00 p.m., which means that patrons may linger until 12:00 midnight, but not order more food and drink after 11:00 p.m. In the analysis section of the staff report, staff states that the requested hours are earlier than many of the restaurants in the area, many of which are 2:00 a.m. The Irish Restaurant was recently approved for a 1:00 a.m. closing hour. Staff found that the 11:00 p.m. closing hour provided enough flexibility to the applicant without causing negative impacts on the surrounding area.

**Response to concerns on Docket Item #8, Los Tios restaurant at 2615 Mt. Vernon Ave:**

In comparison to other restaurants in the area, staff found that the applicant's request for 10:00 p.m. closing hour was reasonable. Closing hours of restaurants in Del Ray generally range from 10:00 p.m. to 12:00 midnight, or earlier depending on the night of the week. In recent years, more restaurants have been approved for later closing hours, including Fireflies (12:00 midnight daily for indoor, 10:00 p.m. daily for outdoor) and Evening Star (11:00 p.m. Sunday through Thursday, 12:00 midnight Friday and Saturday, and 10:00 p.m. daily for the outdoor seating). Next month, you will see an application to extend the closing hours of the Caboose Bakery from 10:00 p.m. Monday through Saturday and 7:00 p.m. on Sunday, to 12:00 midnight daily.

At this point Los Tios is also requesting to double the number of indoor seats to 48 and to add 12 outdoor seats.

**Response to concerns on Docket Item #11, the 7-Eleven:**

***Community Liaison***

A condition requiring a neighborhood liaison has been required for other SUPs, and could be added. The applicant has agreed to such a condition. A condition has been written in other cases as follows:

“The applicant shall establish a community liaison and shall post at the entrance contact information for the liaison, and provide updated information as needed, so that neighbors can contact those individuals responsible for the facility to express concerns regarding facility operations.”

OR

“The applicant shall establish a community liaison to work with nearby neighbors on issues

related to the operation of the business.”

### ***Litter, Public Urination, and Nuisance Activities***

There are a number of conditions already in the SUP to control litter.

Condition #2 states: “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.”

Condition #6 states: “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.”

Condition #11 states: “The applicant shall provide the City \$1,678.00 for two Model SD-42 Bethesda Series litter receptacles, one of which shall replace the existing can, for installation on the adjacent public rights-of-ways Custis and Mt. Vernon Avenues. Contact T&ES Solid Waste Division (703)751-5130 for information.”

While the Kirkpatricks discussed concerns about litter and squirrels carrying litter to their property, another adjacent neighbor said that he did not experience this problem. He said that it would be very difficult to conclude that trash carried to the residence was from the 7-Eleven, when it could be from other residences or businesses in the area.

Regarding public urination and nuisance activities, these are issues that would be difficult to enforce through an SUP condition. However, the SUP requires compliance with “all applicable codes and ordinances,” and nuisance activities can be monitored through complaints to Police and Code Enforcement. Any complaints to these agencies are also considered during the one year review.

### ***Use of the Back Alley***

The use of the back alley for nuisance activities has been an issue for the Kirkpatricks in the past. There is a gate at the entrance to the alley to limit trespassing. The Kirkpatricks have stated that the gate is not always kept closed, and 7-Eleven responded by discussing with the adjacent neighbors that use the alley to keep the gate closed. Recently, 7-Eleven adjusted employee shift assignments so staff can verify that the gate is closed. A condition requiring that it be kept closed can be added, and may be written in the following way:

“ The gate at the entrance of the alley behind the 7-Eleven building shall be closed at night.”

### ***Finally***

Word from the applicant is that Mr. Donovan and Mr. Martz of 7-Eleven, Inc. will be meeting with Justin Wilson, Thomas Welsh, and Mary Ann Kirkpatrick on Tuesday November 16th to discuss how various concerns will be handled through the SUP and how any concerns not addressed by the SUP can be mitigated.

Hal Phipps  
Division Chief, Zoning & Land Use Services  
Department of Planning & Zoning  
City of Alexandria, VA  
703-838-3866 x367

# Del Ray Citizens Association

//  
11-13-04

PO Box 2233

Alexandria VA 22301

Established 1954

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**To:** Honorable Members of City Council  
Eileen Fogarty, Director, Office of Planning and Zoning

**From:** Justin Wilson, President  
Amy Slack, Land Use committee Co-chair  
Sarah Haut, Land Use committee Co-chair

**Date:** November 9, 2004

**Subject:** SUP#2004-0057; 7-Eleven, Inc. at 2108 Mt. Vernon Avenue.  
Consideration of a request for a special use permit to operate a  
convenience store. Zoned CL/Commercial Low

At the regular membership meeting of November 8, 2004, we voted to support the SUP request and conditions as amended by the Planning Commission at the public hearing on November 4, 2004.

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

# APPLICATION for SPECIAL USE PERMIT #2004-0057

[must use black ink or type]

PROPERTY LOCATION: 2108 Mt. Vernon Avenue, Alexandria

TAX MAP REFERENCE: 034-02-16-05 ZONE: CL

APPLICANT Name: 7-Eleven, Inc.

Address: 5300 Shawnee Road, Alexandria, VA 22312

PROPERTY OWNER Name: 7-Eleven, Inc. d/b/a Kwik Check Realty Co., Inc.

Address: P.O. Box 711, Dallas, TX 75221-0711

PROPOSED USE: convenience store

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

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

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

Michael R. Vanderpool, Esquire

Maynard Sipe, Esquire

Print Name of Applicant or Agent

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

Mailing/Street Address

Manassas, VA 20110

City and State Zip Code

Signature

Signed cover memo attached

703-369-4738  
Telephone #

703-369-3653  
Fax #

Date

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

Application Received: 2/29/04

Date & Fee Paid: 500.00

\$ 4/30/04

ACTION - PLANNING COMMISSION:

11/04/2004

RECOMMEND APPROVAL

7-0

ACTION - CITY COUNCIL: 11/13/04 CC approved the Planning Commission recommendation

13 (see attached)

CURVES FOR WOMEN

Public Hearing and Consideration of a request for a special use permit to operate a fitness studio; zoned CL/Commercial Low. Applicant: Curves for Women by Jim Gasson.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

11. SPECIAL USE PERMIT #2004-0057  
2108 MOUNT VERNON AVENUE  
7-ELEVEN, INC.

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

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

**END OF ACTION CONSENT CALENDAR**

City Council approved the action consent calendar, with the removal of items #3, #5, #8 and # 11, which were considered under separate motions:

3. City Council approved the Planning Commission recommendation.  
(separate motion)
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.  
(separate motion)
6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.
8. City Council approved the Planning Commission recommendation with the amendment to the hours during which the restaurant is open to the public shall be restricted to between 7:00 a.m. and 11:00 p.m., Sunday through Thursday, and between 7:00 a.m. and 12:00 Midnight on Friday and Saturday. Hours of operation for the outdoor dining area shall be limited to between 8:00 a.m. to 10:00 p.m., daily. The outdoor dining area shall be cleared of all diners by 10:00 p.m. and the area cleaned and washed by 10:30 p.m. The hours during which the retail business is open to the public shall be restricted to between 9:00 a.m. and 11:00 p.m., Monday through Saturday, and between 9:00 a.m. and 10:00 p.m. on Sunday. (separate motion)
9. City Council approved the Planning Commission recommendation.
10. City Council approved the Planning Commission recommendation.
11. City Council approved the Planning Commission recommendation with the addition of two conditions: (1) establish a community liaison to work with community and (2) the monitoring of a gate behind the building to prevent unwanted activity in the alley. (separate motion)

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

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

12. Public Hearing To Consider the City's Legislative Package for the 2005 General Assembly Session. (#15, 10/26/04)

City Council held the public hearing to consider the City's Legislative Package for the 2005 General Assembly Session.

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