

EXHIBIT NO. 1

Docket Item #10
SPECIAL USE PERMIT #2008-0020

Planning Commission Meeting
May 6, 2008

~~10~~
~~5-20-08~~
32
6-24-08

ISSUE: Consideration of a request for a special use permit amendment to extend the hours of alcohol sales at an existing convenience store.

APPLICANT: UAC Land & Building LLC t/a "24 Express"
by William Thomas, Jr., agent

STAFF: Nathan Randall
nathan.randall@alexandriava.gov

LOCATION: 4007 Mount Vernon Avenue

ZONE: NR / Neighborhood Retail

PLANNING COMMISSION ACTION, MAY 6, 2008: On a motion by Mr. Dunn, seconded by Mr. Jennings, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

William Thomas, Jr., representing the applicant, spoke in favor of the application. He noted that the business has been a good neighbor in operation at this location for 20 years. He noted that calls for police service at the location have decreased recently, that property & safety improvements have been completed, and that the business owner is losing business to other neighborhood establishments between 11:00- 12:00am.

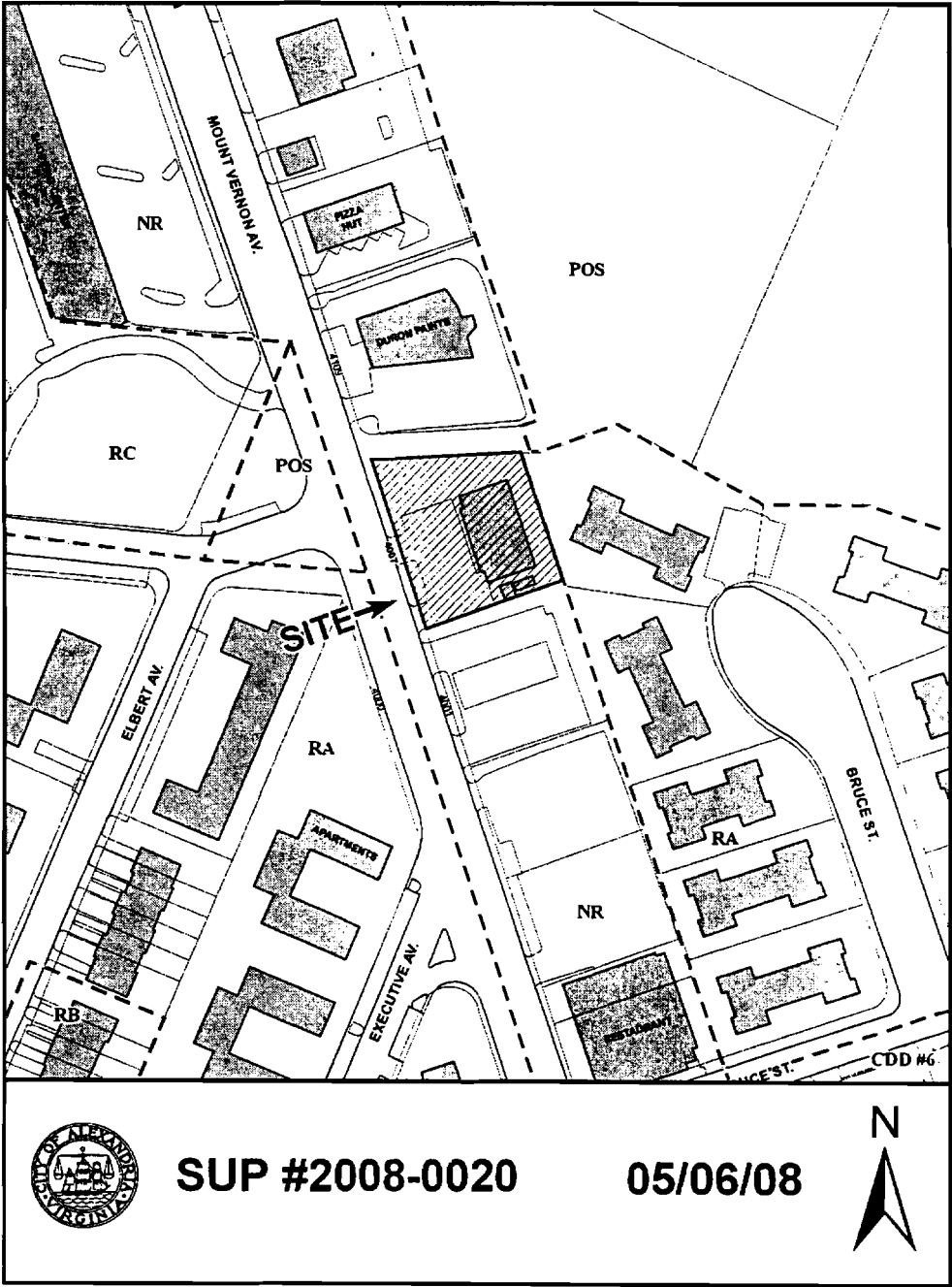
Patricia Myers, 3200 Commonwealth Ave, spoke in support of the application. She stated that the owners are friends of the community who run a fine convenience store.

Kathleen Henry, representing the Arlandria Chirilagua Housing Co-op, supported the extension of alcohol sales. She noted that 24 Express moved into the Arlandria community when no one else was there, and that she was sorry to have seen the restriction put in place in October 2006.

Charles Niphadkabin, son of the business owner, spoke in support of the application. He stated that 24 Express has been unjustly pointed out as "the root of all evil." He noted the store's strict rules regarding alcohol sales, asserted that 24 Express has not had an ABC violation in 22 years and maintained that the 11:00 restriction is an inconvenience to the store's customers.

Melissa Garcia, representing the Lenox Place at Sunnyside Homeowners Association, asked the Commission to either defer or deny approval of the application. She stated that public drunkenness reports have increased, that insufficient progress has been made regarding a comprehensive alcohol policy in Arlandria, and that no significant changes have been made at the property to warrant the extension of hours of alcohol sales.

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



I. DISCUSSION

REQUEST

The applicant, 24 Express/UAC Land & Building LLC, requests a special use permit amendment to extend off-premises alcohol sales until 12:00 midnight daily at 4007 Mt. Vernon Ave.

SITE DESCRIPTION

The subject property is one lot of record with 155.7 feet of frontage on Mount Vernon Avenue, 132.7 feet of depth and a total lot area of 17,467 square feet. The site is developed with a "24 Express" convenience store. Access to the property is from Mount Vernon Avenue.



The surrounding area is occupied by a mix of residential, commercial, a public park, and a shopping center. Immediately to the north is the former Duron Paint retail store. To the south is an Exxon gas station. To the east is Four Mile Run Park and to the west is Presidential Greens Apartments.

BACKGROUND

In 1986, the Zoning Ordinance defined a convenience store as having 3,500 square feet or less of retail space. On March 3, 1998, City Council approved Text Amendment #97-0012 which provided that all nonconforming uses be required to come into compliance with the zoning ordinance within seven years of notice of their nonconforming status or cease operations. At the time Text Amendment #97-0012 was approved, "24 Express" was considered a grocery store because it had 3,600 square feet of floor area. On September 18, 1999, City Council approved Text Amendment #99-0007 changing the amount of space considered to constitute a grocery store from 3,500 square feet to 5,000 square feet. When the abatement legislation was adopted, notice was sent to all the nonconforming uses in the city known to staff, including "24 Express."

Subsequently, the business owner applied for a special use permit for the nonconforming convenience store. City Council approved SUP#2006-0051 on October 14, 2006. Condition #29 of SUP #2006-0051 states that alcohol sales shall cease at 11:00 p.m. daily. Condition #32 states that "the applicant shall be required, without another public hearing, to automatically abide by a comprehensive alcohol policy for the Arlandria area, once such a policy has been developed by the city."

Planning & Zoning staff and the Police Department met with the Virginia ABC to discuss the possibility of a comprehensive alcohol policy for the Arlandria area. ABC stated that they have no regulatory or policy mechanism to impose neighborhood-wide restrictions on alcohol sales. Licenses for alcohol sales are only considered on a case-by-case basis.

No complaints have been recorded at this property since SUP#2006-0051 received approval in October 2006. Staff visited the property on April 18, 2008 and found two minor violations of SUP#2006-0051 that have since been corrected.

PROPOSAL

Hours (convenience store):	5am- Midnight daily
Approximate Number of Patrons:	5am- 8am: 200 8am- 4pm: 300 4pm- Midnight: 200
Mechanical Noise:	HVAC and refrigeration noise levels at or below City standard.
Patron Noise:	Combination of employee, manager, and security (police) personnel to insure against loitering, etc.
Trash:	Cardboard- To be picked up daily. Garbage- Approximately three loads per week. Currently there is a dumpster storage area on the property.
Litter:	Site supervision, regular trash collection, and as needed policing of adjacent properties.
Safety:	Always staffed, lighted, with security personnel as needed on Friday, Saturday, and Sunday Evenings.
Alcohol:	Off-premise beer and wine sales until 12:00 midnight daily.

PARKING

Site Plan#85-035, approved in 1985, required the convenience store to provide one space per 200 square feet. A total of 16 off street parking spaces were required. The required 16 parking spaces are located on-site.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the NR/ Neighborhood Retail zone. Section 4-1403 of the Zoning Ordinance allows a convenience store only with a special use permit.

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

II. STAFF ANALYSIS

Staff supports the applicant's request to amend condition #29 of SUP#2006-0051 to extend off-premises alcohol sales until midnight.

Concerning overall property conditions, significant safety, landscaping, and signage improvements have been made to the property in conformance with SUP#2006-0051 since the last public hearing in October 2006. Furthermore, no complaints have been recorded at this location since October 2006.

Condition #29 of SUP#2006-0051 has created a situation whereby 24 Express is the only location in the neighborhood required to cease off-premises alcohol sales at 11:00 p.m. It should be noted that the CVS located at 3811 Mt. Vernon Avenue, as a retail pharmacy, is not required to obtain a special use permit to operate in the "NR" zone and that the entire CVS store closes at 12:00 midnight daily. 7-Eleven, located at 3412 Mt. Vernon Avenue, received approval of SUP#2004-0058 to continue a non-conforming convenience store on February 12, 2005. Its Virginia ABC license stipulates that alcohol sales shall cease at 12:00 midnight daily. SUP#2004-0058 contains no conditions limiting the hours of alcohol sales.

The applicant maintains that Condition #29 creates a competitive disadvantage for 24 Express. He notes that the convenience store has experienced an overall decrease in sales, not only in alcoholic beverages, as a result of the condition. The applicant also asserts that customers seeking to purchase alcohol after 11:00 p.m. travel to other neighborhood establishments to obtain it.

To be consistent with other businesses in the area, staff believes that Condition #29 should be amended to allow off-premises alcohol sales until midnight daily at 24 Express. Staff recommends approval of SUP#2008-0020 with new and amended conditions as shown in Section III below.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** of the special use permit amendment subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)(SUP#2006-0051)
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)(Police) (RP&CA)(SUP#2006-0051)
3. Outdoor storage shall be limited to firewood. The firewood shall be located inconspicuously in a rack at the front of the store to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP#2006-0051)
4. The hours of operation shall be limited to between 5am to midnight daily. (P&Z)(Police) (SUP#2006-0051)
5. **CONDITION AMENDED BY STAFF:** The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) ~~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) (SUP#2006-0051)~~
6. 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) (SUP#2006-0051)
7. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP#2006-0051)

8. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2006-0051)
9. Lighting shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (P&Z) (SUP#2006-0051)
10. Lighting on the property shall be shielded to prevent glare on adjacent properties. (P&Z) (SUP#2006-0051)
11. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2006-0051)
12. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2006-0051)
13. **CONDITION SATISFIED:** ~~Applicant shall provide the City \$2000.00 for two Model SD 42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)(Police)~~
14. The applicant shall submit a landscaping plan and install, and thereafter maintain in good condition, landscaping to the satisfaction of the Directors of Planning and Zoning and Recreation, Parks and Cultural Activities. (P&Z)(RP&CA)(Police) (SUP#2006-0051)
15. **CONDITION SATISFIED:** ~~The applicant shall remove the existing freestanding signs, and install a new monument sign to the satisfaction of the Director of Planning and Zoning. More specifically, the new monument sign shall be not exceed three feet in height. (P&Z) (SUP#2006-0051)~~
16. **CONDITION SATISFIED:** ~~The applicant shall remove the existing box sign on the front facade of the business and replace the sign with a non-internally lit, wall-mounted sign to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP#2006-0051)~~

17. 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) (SUP#2006-0051)
18. **CONDITION SATISFIED:** ~~The applicant shall replace the existing dumpster screening with a wooden dumpster screening, and maintain it in good condition to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP#2006-0051)~~
19. No shrubs higher than 3 feet should be planted within 6 feet of walkways. (Police) (SUP#2006-0051)
20. Trees should not be planted under or near light poles. This eliminates the potential of the tree blocking out the light, nullifying the light's effectiveness, when the tree reaches full maturity. (Police) (SUP#2006-0051)
21. The applicant shall remove all merchandise from the windows. (Police) (SUP#2006-0051)
22. Advertisements or displays shall not be located in or around the windows. If advertisements must be used, they should be small in size not to exceed 20% of the individual window and located along the top of the windows to allow for surveillance opportunities both from within and from outside the building. (Police)(P&Z) (SUP#2006-0051)
23. Condition deleted. (PC)
24. **CONDITION SATISFIED:** ~~The applicant shall remove three payphones on the property. The remaining two telephones shall be relocated away from the building, along the street, with clear site lines from the cashier area. The telephones should be programmed to outgoing calls only. (Police)(P&Z) (SUP#2006-0051)~~
25. 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. (Police)(P&Z) (SUP#2006-0051)
26. The applicant shall hire a uniformed and licensed security firm Monday through Thursday and shall hire off-duty police officers Friday through Sunday, from 6:00 p.m. until closing. (City Council) (SUP#2006-0051)

27. Per the Arlandria Small Area Plan, the area directly north of this site is planned for an improved intersection and roadway access to the park. The applicant will be required to participate and contribute to these improvements at the time of City implementation.(RP&CA) (SUP#2006-0051)
28. The applicant shall provide a sign on the property prohibiting litter. (P&Z) (SUP#2006-0051)
29. **CONDITION AMENDED BY STAFF:** The applicant shall cease alcohol sales at ~~11 p.m.~~ 12:00 midnight daily.
30. An annual review for three consecutive years is recommended. An additional review shall occur within six months after approval if complaints are received. At the end of the three years, it is recommended that the SUP go before City Council for a full review. (Police)(P&Z)(RP&CA)(PC) (SUP#2006-0051)
31. No alcohol consumption shall be permitted on the property. (PC) (SUP#2006-0051)
32. The applicant shall be required, without another public hearing, to automatically abide by a comprehensive alcohol policy for the Arlandria area, once such a policy has been developed by the City.
33. **CONDITION ADDED BY STAFF:** Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
34. **CONDITION ADDED BY STAFF:** Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
35. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance to the convenience store. (P&Z)

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning.
Nathan Randall, Urban Planner.

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 Two cans paid for 11/15/06. (T&ES)
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-4 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-5 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-6 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- 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.

- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

Code Enforcement:

- F-1 No Comment

Health Department:

- F-1 No Comment

Parks & Recreation:

- F-1 No Comment

Police Department:

- F-1 The Police Department has no objections to the hours extending from 11:00 p.m. to 12:00 a.m. for the purposes of selling alcohol off-premise with the following restrictions:
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.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2008-0020

PROPERTY LOCATION: 4007 Mount Vernon Avenue "24 EXPRESS"

TAX MAP REFERENCE: 007.01-02-18 ZONE: NR

APPLICANT:

Name: UAC LAND & BUILDING L.L.C. t/a "24 EXPRESS"*
* By attorney

Address: 4007 Mount Vernon Avenue, Alexandria, Virginia 22305

PROPOSED USE: grocery/convenience store

amendment of SUP #2006-0051

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

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

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

By: WILLIAM C. THOMAS, JR.

Print Name of Applicant or Agent

11320 Random Hills Road, #325

Mailing/Street Address

Fairfax, VA 22030

City and State

Zip Code

WCTH 2/26/08
Signature Date

(703) 385-8282 (703) 385-8761

Telephone #

Fax #

wthomas@fspd.com

Email address

ACTION-PLANNING COMMISSION:

DATE:

ACTION-CITY COUNCIL:

DATE:

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 4007 Mount Vernon Avenue, I hereby
(Property Address)
grant the applicant authorization to apply for the convenience store (amendment)
(use)
described in this application.

UAC Land & Building LLC

Name: By: Tien Niphadkabin

Phone (703) 836-7778

Please Print

c/o Tom Thomas

Address: 4007 Mount Vernon Ave.

Email: wthomas@fspd.com

Signature: 

Date: 2-26-08

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

☒ Required floor plan and plot/site plan attached. previous

☐ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☒ Owner

☐ Contract Purchaser

☐ Lessee or

☐ Other: _____ of the subject property.

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

Tien Niphadkabin; Paul Papageorge; Komol Phumisittikul;

Prapun Pituckul; Sangchai Chiapaikao c/o 24 EXPRESS

4007 Mount Vernon Avenue, Alexandria, Virginia

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

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

NARRATIVE DESCRIPTION

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

The applicant requests a review of the conditions of the SUP with
a specific request that the hours of operation for the sale of
alcoholic beverages be extended to 12:00 midnight daily
(Conditions #29 and #32 SUP #2006-0051). No other changes to
SUP #2006-0051 are requested.

See attached - updated narrative, prior application and supporting
materials.

USE CHARACTERISTICS

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

- ☐ a new use requiring a special use permit,
☐ an expansion or change to an existing use without a special use permit,
☒ an expansion or change to an existing use with a special use permit,
☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:

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

5-8 a.m. - 200 +/-; 8 a.m. - 4 p.m. - 300;

4 p.m. - midnight - 200 +/-

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

22 Employees total (mostly from community) + 3 Managers

(1 on duty at all times); 5-8 Employees per shift; 5-8 a.m.;
8 a.m. - 4 p.m.; 4 p.m. - midnight

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

Day:

Daily

Hours:

5 a.m. - midnight

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

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

HVAC and refrigeration; Noise levels at or below City
standards

B. How will the noise be controlled?

Combination of Employee, Manager, and Security (Police)
Personnel to insure against loitering, etc.

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

minimal food odors: vented to code

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

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

primarily paper and plastic with minimal food waste

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

approximately 5 recycle cardboard loads per week

approximately 3 trash/garbage loads per week

- C. How often will trash be collected?

cardboard - daily

trash/garbage - 3 times per week

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

site supervision: regular trash collection: and as needed

policing of adjacent properties

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

☐ Yes.

☒ No.

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

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

☐ Yes. ☒ No.

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

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

always well staffed, lighted, with security personnel as
needed and on Friday, Saturday and Sunday evenings

ALCOHOL SALES

13.

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

☒ Yes ☐ No

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

Beer and wine off-premises sales with changes proposed in
line with neighboring similar retailers (other groceries,
convenience stores, pharmacies).

PARKING AND ACCESS REQUIREMENTS

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

14 Standard spaces
 Compact spaces
2 Handicapped accessible spaces.
 Other.

<p align="center">Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200A _____</p> <p>Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
--

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

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

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

- C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☐ Parking reduction requested; see attached supplemental form

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

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

<p align="center">Planning and Zoning Staff Only</p> <p>Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____</p> <p>Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

B. Where are off-street loading facilities located? on site (south end)

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

trash/recycling in a.m.; food deliveries and merchandise
primarily in a.m. through mid-day

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

trash/recycling as stated plus 2 to 3 deliveries per day

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?

access existing - 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? _____ square feet.

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

3600 +/- sq. ft. (existing) + -- sq. ft. (addition if any) = 3600 sq. ft. (total)

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

☒ a stand alone building

☐ a house located in a residential zone

☐ a warehouse

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

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

☐ other. Please describe: _____

End of Application

WRITTEN STATEMENT
APPLICATION: UAC Land and Building LLC t/a 24 Express
TAX MAP NO: 007.01-02-18

Update/Review Request: This is an update of the written narrative provided with the Special Use Permit application which was ultimately approved as SUP 2006-0051. The applicant, after a year plus under the approval, and with the implementation of a number of physical and operational changes for the 24 Express grocery, is requesting an amendment to the SUP as a review of the conditions of the SUP with a specific request for the re-establishment of alcoholic beverage sales to 12:00 midnight.

carries beer and wine (it is noted that 24 Express has maintained an excellent record with Virginia ABC for all of its 20 years in existence and has an equally spotless record in the enforcement of and adherence to cigarette sales restrictions). 24 Express serves as an agent for Western Union, hosts and ATM service, and provides key making services for its customers.

The Arlandria/Potomac West and neighboring communities support the 24 Express with their business with many of the customers walking to the store from nearby residences. In fact, of the approximately 22 employees of 24 Express, most are also from the local community. In a testament to the community serving nature of the business, most customers know the workers at the store by name, and the workers know the customers as well. In addition, the owners have been active participants in the business community evidenced in part by the number of sponsorships over the years of community activities.

The 24 Express convenience and grocery store will continue to operate seven days a week from 5:00 a.m. to midnight. Employees on site at any point in time will always include at least one manager and from five to eight staff members. Additionally, on Friday, Saturday and Sunday evenings from 6:00 p.m. to midnight an off-duty Alexandria City police officer is employed to assist with parking lot management, ABC identification policy enforcement, as well as general security.

Again as a testament to the community serving presence of 24 Express, this grocery and convenience store serves between 600 and up to approximately 800 mostly neighborhood customers on any given day. In the 5:00 a.m. to 8:00 a.m. time frame approximately 200 customers will come in on their way to and on their way from employment with such companies as Metro, The Reagan National Airport, Crystal City and Potomac Yards businesses. Likewise, between 8:00 a.m. and 4:00 p.m. another approximately 300 customers will come to the store and another approximately 200 customers will come in the evening again on their way to and back from work in the neighboring business communities.

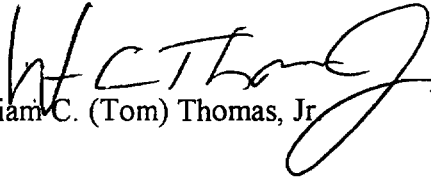
The existing site layout for the 24 Express grocery and convenience store is shown on the attached Special Use Permit plans prepared by Dominion Surveyors. In addition to the site layout provided, pictures of the site are also provided to show the substantial and mature landscaping that is maintained on the 24 Express property. In addition to the original site, in 1995 the City of Alexandria vacated unused right-of-way to the owners and this property has been consolidated into the operation as open space. A wrought iron styled black aluminum fence adorns the perimeter of the property at the entrance to the Alexandria Four Mile Run park. The building is a masonry block building maintained in a red brick color with a flat roof and existing building signage as shown on the attached photos. There is an existing freestanding pole sign and it is proposed that this sign be replaced with a monument sign and the landscaping tailored around it to enhance the sign treatment.

Though no expansion or intensification of the 24 Express business is requested in the Special Use Permit application, the Applicant is willing, in consultation with City Planning and Zoning, to implement, to the extent feasible, signage, lighting, landscaping and site amenity guidelines contained in the Potomac West Small Area Plan and the standards of the Neighborhood Retail (NR) zone. As the application moves forward, we look forward to meeting with Staff and our neighbors on site to further pursue these objectives. On behalf of the owners of the 24 Express, we look forward to the successful completion of the Special Use Permit application process.

Thank you for your kind consideration of and attention to this matter.

Respectfully submitted,

FAGELSON, SCHONBERGER, PAYNE & DEICHMEISTER, P.C.
Attorneys/Agents for Applicant


William C. (Tom) Thomas, Jr.

Date: 25 May 2006
revised 26 February 2008

24 Express – SUP

Lenox Place at Sunnyside (LPAS) and Arlandria Civic Association

Initial Response

April 27, 2008

SPECIAL USE PERMIT #2008-0020
4007 MOUNT VERNON AVENUE
24 EXPRESS STORE

Consideration of a request for a special use permit amendment to increase the hours for the sale of alcoholic beverages; zoned NR/Neighborhood Retail. Applicant: UAC Land and Building t/a 24 Express by William Thomas, Jr., agent.

Special Use Permit -- HOA and Civic Association Response

This document represents the initial presentation of our concerns on behalf of LPAS and Arlandria Civic Association.

It is our position that no significant changes in the conditions have been made to warrant an increase of hours for the sale of alcohol. Further, given an opportunity, we are in favor of a decrease in the hours of alcohol sales in the Arlandria neighborhood wherever possible. As addressed previously, Police Chief Baker cited alcohol related crime in Arlandria as the single biggest challenge facing the community. According to Captain Eddie Reyes:

“...if the City is going to have a long-term impact on violent crime and sustain the increased quality of life in Arlandria, bilingual education on alcohol abuse is mandatory. There is currently no education on alcohol abuse and/or treatment located in Arlandria....”

According to the Institute for Public Strategies, ‘the burden of proof should be on the applicant to show that having a new alcohol outlet will be of benefit to the community’. We see the SUP (and the process) as it is intended, as an opportunity to address the overall impact of alcohol sales in the community on a case by case basis.

...Middle-class Americans would not tolerate for one second laws that permitted an inner-city level concentration of liquor stores in and around the places where they and their loved ones live, work, shop, go to school, or play. It makes no sense to insist that it is all merely a matter of free markets, as if liquor stores simply go where the people want what they sell and sell to whomever they want.”

24 Express – SUP

Lenox Place at Sunnyside (LPAS) and Arlandria Civic Association

April 27, 2008

In addition to being an area highest in the City for violent and alcohol related crimes, this neighborhood also has the highest percentage AND number in the city of children under 18 (also the highest for children under 5), which is DOUBLE the average number of across the city. That number will rise even higher in the near future as ARHA brings in excess of 100 family occupied units within one mile of the 24 Express store. It would be irresponsible not to consider the alcohol related impact to the families and children dealing with the apparent consequences.

Status

At a minimum, the current SUP with an 11:00 cut off in the sale of beer and wine should remain in force. We believe that the consideration of alcohol related SUPs should be taken on a case-by-case basis and the sale of alcohol at a location immediately adjacent to a newly expanded Four Mile Run Park entrances should be taken under separate review by City staff.

The current SUP conditions are working. Alcohol availability after 11:00pm in the immediate neighborhood surrounding 24 Express has been reduced. We are seeing some positive results with decreased arrests (public drunkenness, liquor law violation and assaults). The goal of reducing neighborhood public drunkenness is beginning to show some signs of success. The SUP together with needed increased Police presence in the neighborhood has resulted in a reduction of alcohol-related crime.

Our local Police recognize the severe alcohol abuse in the neighborhood, its relationship to many of the types and large numbers of crimes committed and its victims. To this end they have also requested additional City services to combat alcohol abuse.

The excessive beer purchases late at night (and after 11pm) are still occurring at nearby businesses such as CVS, 7-Eleven and Giant food market in nearby Arlington. Attempts to mitigate the late night alcohol sales at these locations has not been undertaken to the extent necessary to bring about further needed change.

However, 24 Express is different. It operates under an SUP. This SUP and the vetting process before the Planning Commission and the City Council is the only avenue that allows area residents to express their concerns and opinions in this process. The 24 Express SUP has been the only opportunity available to mitigate the impact of alcohol sales. We would like to see additional proactive measures taken, and City Council has requested that additional regulation be explored. However, until that time, we have no desire to see the restrictions lifted since alcohol sales continue to have an inverse impact in the neighborhood and which the 11pm restriction seems to have mitigated.

24

24 Express – SUP

Lenox Place at Sunnyside (LPAS) and Arlandria Civic Association

April 27, 2008

Relation to Ongoing and Future Plans:

An Alexandria 'gateway', and Open Space/Park initiatives:

Money has begun to be spent to improve the playing fields and facilities at Four Mile Run park. Mt. Vernon Avenue is one of the 'gateway' entrances into Alexandria, Del Ray from Arlington.

The existence of 24 Express (with beer and alcohol sales) immediately adjacent to this expanded City park, bike and walking trails has a negative impact and influence. Single women and children are at risk when using the park or the bike path. The consumption of alcohol in the park and along the bike paths immediately adjacent to 24 Express is evident by the numerous beer cans and other litter from quick consumables currently on the surrounding grounds and in the stream bed.

Park Entrance:

No progress has yet been made on the issues with the entrance to Four Mile Run Park. The current restriction is necessary to mitigate these issues at least until they are resolved by the City and the business owner.

Duron and Pizza Hut buildings:

These buildings are currently vacant awaiting action by the City which has recently acquired them for increased park space and use for the recreation facility. The current restriction is necessary to mitigate these vacancies at least until they are resolved by the City.

Loitering:

The two 7-Eleven's (W Glebe Rd @ Valley Rd and Mt Vernon Ave @ W. Glebe Rd) post no-loitering signs and enforce a no loitering policy. 24-Express currently permits loitering in the early morning and indeed all day and evening long. It is commonly known, but not widely publicized, that 24-Express is a casual day-labor assembly point.

The SUP for the mini-market at the Exxon on Rt 1 has the enforcement of "no loitering" as a required condition.

24 Express – SUP

Lenox Place at Sunnyside (LPAS) and Arlandria Civic Association

April 27, 2008

Concerns about Competition:

The City's guidelines for SUP review state that arguments related to competition are off-limits during the review of an SUP:

"The Commission is not allowed by law to consider some arguments. For example, the Commission cannot consider the competitive impact on neighboring businesses when it considers an action. If you start to make off limit arguments, the Chair will warn you that the Commission cannot consider them."

While it is unfortunate that the City zoning does not allow the same regulation of other stores as it does convenience stores, the perception that other businesses will benefit from this restriction is not material to what hours are appropriate at this particular location with its own unique circumstances.

Problems with Enforcement:

Even after the current conditions were put in place, LPAS president Jim Rorke and Arlandria president Kevin Beekman were both present at 24 Express to witness the sale of beer to an highly intoxicated person after 11pm while the on-site, off-duty police officer was momentarily pre-occupied. Follow-up reports to APD and ABC resulted in no action against the business. We understand that no complaints of this nature will be accepted by the regulating authorities unless observed by trained law enforcement. The 11pm restriction is necessary to enable law enforcement to adequately police alcohol related problems. The lifting of the restriction would unnecessarily over-burden the police as past experience has demonstrated.

Summary:

The current SUP conditions are working. Alcohol availability after 11:00pm in the immediate neighborhood surrounding 24 Express has been reduced. We are seeing some positive results with decreased arrests (public drunkenness, liquor law violation and assaults).

It is our position that no significant changes in the conditions have been made to warrant an increase of hours for the sale of alcohol.

We look forward to providing additional materials, PP presentations and comments at the Planning Commission meeting and at City Council public hearings.

Issues at 24 Express

The order:

Jim Rorke- Overview

Pam Williams – Alcohol Sales

Kevin Beekman – Neighborhood Crime

Tom Fitzgerald– 4 Mile Run Park Entrance

Nathalie Simon - Litter

Paul Cox - Alcohol, Crime & Arlandria

Alcohol Sales

Pam Williams

Resident of Elbert Avenue

Vice President Lenox Place at Sunnyside HOA

"Numerous first-rate studies have found close links between the geographic density of alcohol outlets and consumption (and alcohol problem) rates. Without leaping to the further conclusion that if inner-city neighborhoods had fewer liquor outlets and less alcohol consumption, they would also have less crime, policymakers who care about reducing community breakdown and crime in the inner city should nevertheless seriously consider restricting alcohol availability and reducing the density of liquor stores...."

...Middle-class Americans would not tolerate for one second laws that permitted an inner-city level concentration of liquor stores in and around the places where they and their loved ones live, work, shop, go to school, or play. It makes no sense to insist that it is all merely a matter of free markets, as if liquor stores simply go where the people want what they sell and sell to whomever they want."

Broken Bottles: Alcohol, Disorder, and Crime

by John J. Dilulio, Jr.

Brookings. Spring 1996

<http://www.brookings.edu/press/review/spring96/dilulio.htm>

There is an acknowledgement that there is a link between alcohol and crime.

" Our results indicate a significant positive relationship between alcohol outlet density and violent crime "

Neighborhood Level Spatial Analysis of the Relationship Between Alcohol Outlet Density and Criminal Violence

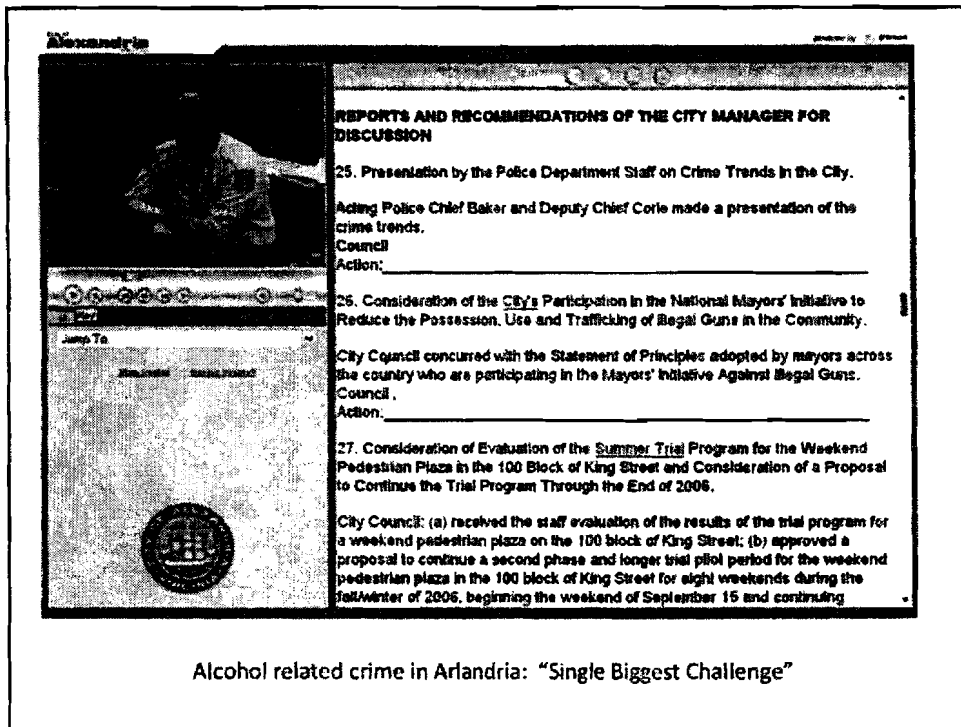
R. Britt, Heather, Carlin, Bradley¹, Toomey, Traci, Wagenaar, Alexander
Environmental and Ecological Statistics, Volume 12, Number 4, December 2005, pp. 411-426(16)

The link is particularly related to the density of alcohol outlets and the kind of violent crime that we see in Arlandria.

"Assault rates were related significantly to local densities of off-premise alcohol retail establishments, not bars."

Ecological models of alcohol outlets and violent assaults: crime potentials and
geospatial analysis
Gruenewald, Freisthler, Remer, LaScala & Treno
Addiction, Volume 101 Page 666 - May 2006

And related to the density of off-premises sale of alcohol in particular.



When Police Chief Baker appeared before City Council last month, he cited alcohol related crime in Arlandria as the single biggest challenge facing the community.

City of Alexandria, Virginia

MEMORANDUM

DATE: September 25, 2006

TO: Lenox Place at Sunnyside Association

FROM: Captain Eddie Reyes, Commander Arlandria Area

SUBJECT: Update on Arlandria

What I have discovered after reading almost all of the police reports that follows each violent offense in Arlandria is that alcohol is a contributing factor in almost every incident. Either the victim was intoxicated becoming an easy target and victim and/or the suspect was intoxicated. While increased police presence and enforcement efforts make a difference, I believe it is only a short-term solution, lasting only as long as the officers are on the street. My perception is that if the City is going to have a long-term impact on violent crime and sustain the increased quality of life in Arlandria, bilingual education on alcohol abuse is mandatory. There is currently no education on alcohol abuse and/or treatment located in Arlandria....

This is more than just mere anecdotal evidence.

Local police in the community see this link as pervasive.

Alcohol is a contributing factor in almost every incident.

Public Convenience or Necessity: The Power of Local Municipalities to Control Alcohol Outlet Density

East County Community Change Project • June 2004

In 1994, the California State Legislature adopted the Caldera bill, which authorizes local municipalities to control the number of bars and retail outlets in their communities. These rules apply to ABC license requests in areas that are already oversaturated and/or areas that have high crime rates. **Under the statute, high crime is defined as an area that exceeds the city's average crime rate by 20 percent.**

Under such conditions, ABC must deny the license application unless there is a finding of need, termed "Public Convenience or Necessity" (PCN) in the statute. Depending on the type of business requesting a license, the finding of "Public Convenience or Necessity" is determined either at the state or local level.

"The burden of proof should be on the applicant to show that having a new alcohol outlet will be of benefit to the community."

How do we resolve the sales of alcohol with neighborhood crime?

Other localities have found a way...California, for instance, has found a way to shift the burden of proof onto the business operator when it in a neighborhood with 'over concentration' of alcohol sales or 'high crime'.

And they have found a way to define 'high crime rate' as shown here.

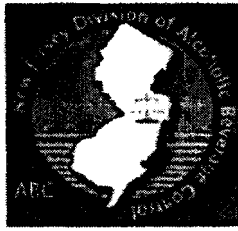
304

High crime is defined as an area that exceeds the city's average crime rate by 20 percent.

In 2005:

- overall crime rate in Arlandria exceeded the city's average by 34%.
- Arlandria's violent crime rate exceeded the city's average by 140%.

Arlandria fits this definition of high crime rate.



HOW MANY LIQUOR STORES AND RESTAURANTS ARE ALLOWED IN EACH MUNICIPALITY?


The number of licenses to sell alcohol for consumption on a licensed premises (restaurants and bars) and to sell alcohol for off premise consumption (packaged goods) within a municipality is determined based upon the population. A municipality may issue one consumption license for every 3,000 of its population. As to distribution licenses, which allow the sale of alcohol for off premise consumption, a municipality may issue one license for every 7,500 of its population. A municipality is allowed to ban all sales of alcohol within its borders if it so desires.

<http://www.state.nj.us/oag/abc/faqs.html#CAN>

In other states, the number of establishments in each municipality is set strictly into law.

Here's an example of how a different state tries to balance the number of off-premises outlets.

And just for comparison, Arlandria has a population of about 15,000.



Alcohol Impact Areas

Washington State
Liquor Control Board

In July of 1999, the Washington State Liquor Control Board adopted the Alcohol Impact Area rules. These rules were developed to provide a tool for communities who are experiencing significant alcohol related problems.

The rules allow the Liquor Control Board to recognize a geographic area within a city or town as an "Alcohol Impact Area" (AIA). A request to recognize an AIA must be brought to the Board by a local jurisdiction. The local jurisdiction would first be responsible to adopt an ordinance stating an area has experienced significant problems due to the presence of chronic public inebriation or illegal activity associated with alcohol sales or consumption.

Not Suggesting This

Other places have gone so far as to ban ALL ALCOHOL sales in areas experiencing the kind of problems we see in Arlandria.

We ARE NOT suggesting this.

But we need to weigh the convenience of alcohol outlets against the necessity. We need to look at how many outlets are in our neighborhood and the impact that they bring.

As has been made clear, 24 Express is not the only purveyor of beer in Arlandria. Nothing we are advocating would impinge on anyone's rights.

Strategy

- Collect and analyze crime and arrest data
- Meet and work with COPs and midnight officers in area – supply with analysis
- COPs continuing to work with management to get apartment
- Review of SUP of 24 Hour Express in 2006

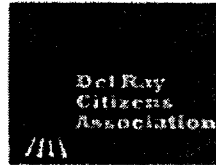
Combating Alcohol Related Crimes: Alexandria Police
Department's Approach

Mary Garrand, Alexandria, VA Police Department

The Eighth Annual Crime Mapping Research Conference
The National Institute of Justice, DOJ,
September 7 - 10, 2005

The Police Department has been working to address these issues.

The SUP process is part of their strategy



The Del Ray Citizen

September 1999

Supported an amendment to the city's zoning code that would change the legal definition of a convenience store from 3,500 square feet to 5,000 square feet. All stores of this size would be required to obtain a special use permit, which allows the city to impose conditions on the operation in order to address issues such as hours of operations, types of sales, and lighting. According to city staff, the only store not now regulated is 24 Express at 4007 Mount Vernon Ave. Staff says that 24 Express has caused some problems in Arlandria and expanded its size to 3,800 square feet several years ago to escape regulation.

Pursuing regulation of the city's convenience store, particularly carry-out alcohol sales, has been an acknowledged policy aim for a number of years.



Shouldn't we look carefully at how alcohol is being sold in our neighborhood?

This is a photo taken recently at 24 Express...after it applied for its SUP.

The SUP process gives us this power, much like in California, to weigh the necessity of alcohol sales against its convenience. To weigh the impact of the business against the benefit.

Neighborhood Crime

Kevin Beekman

Resident of Elbert Avenue

Board member LPAS HOA

Arlandria Civic Association President

Four Mile Run Task force rep

Arlandria Plan/UPW participant

Member of Arlandria Community Justice Council

run by the former Arlandria Community Prosecutor

Serious crime is concentrated in poor black and Hispanic neighborhoods, and in certain areas within them. For people who live in the Anacostia area of Washington, in the Nickerson Gardens housing complex in South Los Angeles, and on Magnolia Street in Boston, the citywide statistics have always been meaningless.

- David Kennedy, director of the Center for Crime Prevention and Control at John Jay College of Criminal Justice, City University of New York

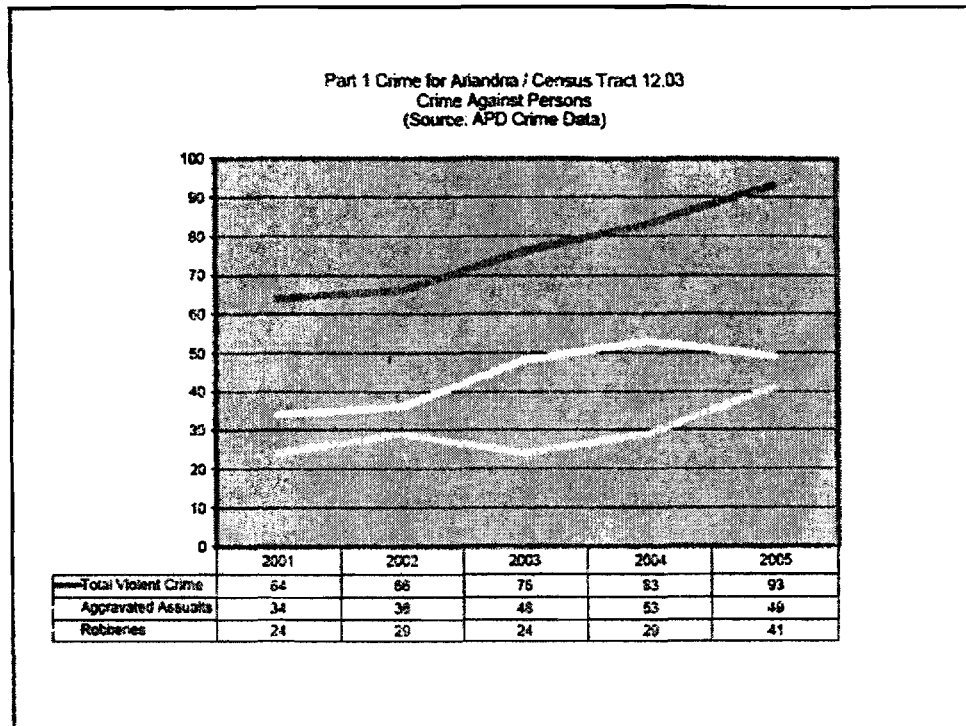
The Neighborhood War Zone Sunday, August 13, 2006
Washington Post

Having just heard about alcohol and crime, I want to give you some context about neighborhood crime in Arlandria.

Alexandria is widely touted as a safe city. But city-wide crime numbers aren't the right issue.

We need to look at crime in our local neighborhood.

We need to look at crime numbers in Arlandria.



In recent years, violent crime numbers have risen in Arlandria (defined here as Census Tract 12.03).

This rise has been driven by the main components of 'Violent Crime': robberies and aggravated assaults.

In 2004 and 2005, there were roughly 1 aggravated assault per week in Arlandria on average.

And in 2005 there was a robbery about every 9 days.

And the way crime statistics work, a robbery with an assault is categorized as a robbery...so often these robberies were brutal. This is the 'progress' made since the passage of the Arlandria Plan.

Part 1 Crime in 2005

Census Tract	Homicide	Rape	Robbery	Agg Assault	Burglary	Larceny	GLA	Total
11.00 (Hawthorne Hill)	0	0	0	0	3	15	3	21
12.02 (Hawthorne Village)	0	1	2	2	2	21	1	29
12.03 (Arlandria/Hunt Springs)	0	3	41	49	22	179	45	338
22.01 (Lynwood/Elmwood)	0	0	5	9	11	60	21	106
11.01 (East Hill/Days)	0	2	6	3	8	79	7	105
22.02 (West Hill/Days)	1	0	1	1	14	43	8	68
Area Total	1	6	55	64	60	395	85	667
City-wide	4	23	197	201	371	2699	513	4008
Area % of City	25.0	26.1	27.9	31.8	16.2	14.7	16.6	16.6

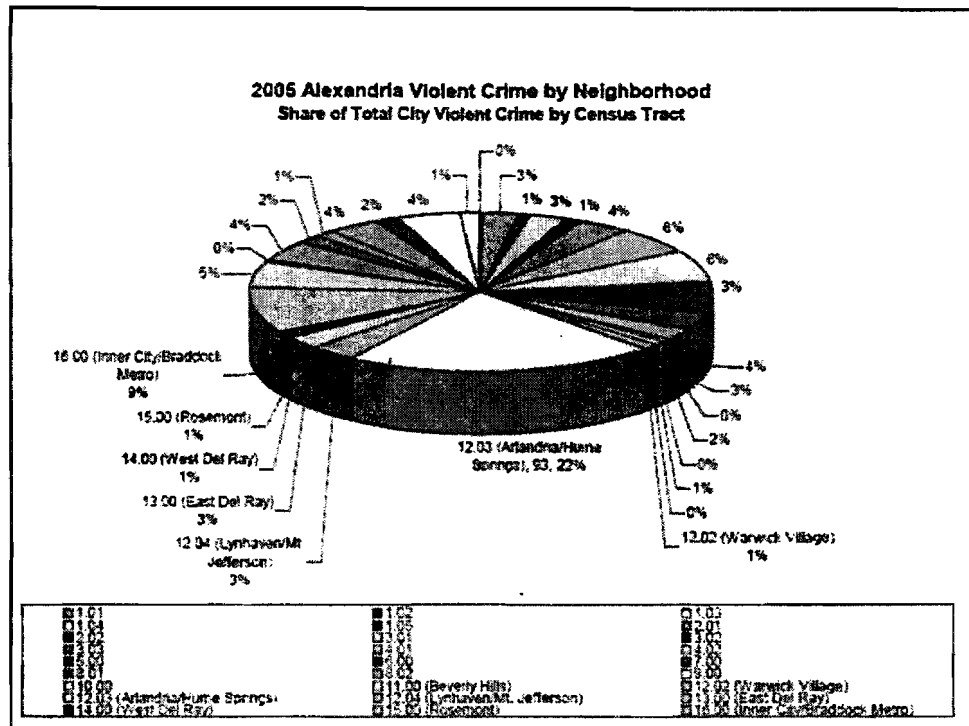
These crime numbers are much higher than in the immediately surrounding neighborhoods.

Where Arlandria experienced 41 robberies in 2005, the next highest adjoining neighborhood experienced 6.

Where Arlandria experienced 49 robberies in 2005, the next highest adjoining neighborhood experience 9.

It is similar in every major crime category.

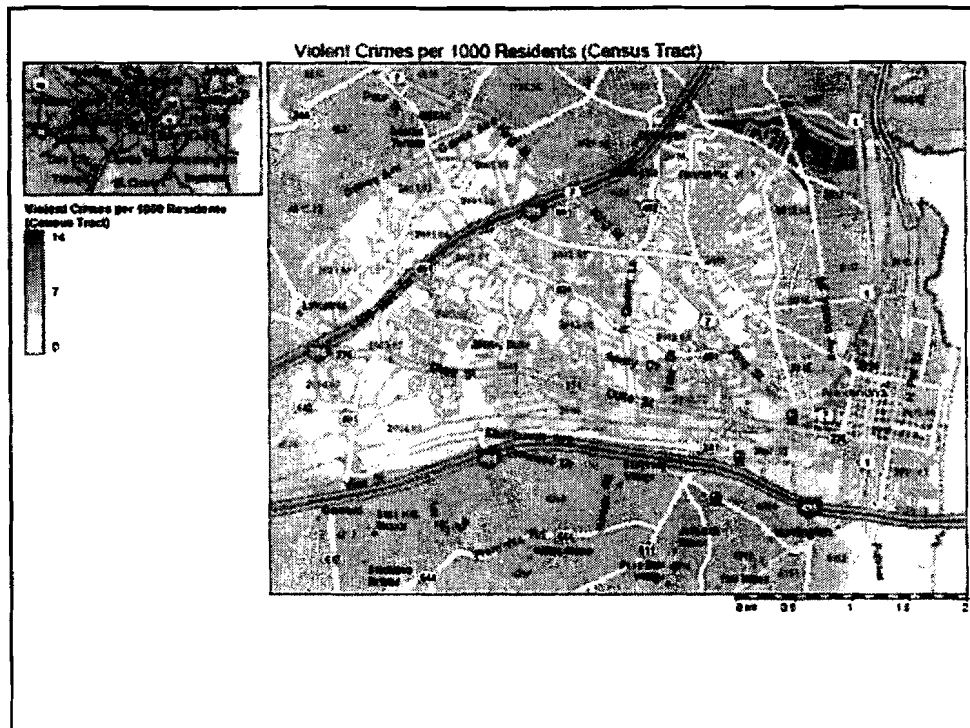
In most categories Arlandria experienced more incidents than all of these neighborhood's combined...often several times more.



And this holds true city-wide.

This pie chart shows each neighborhood's share of city-wide violent crime.

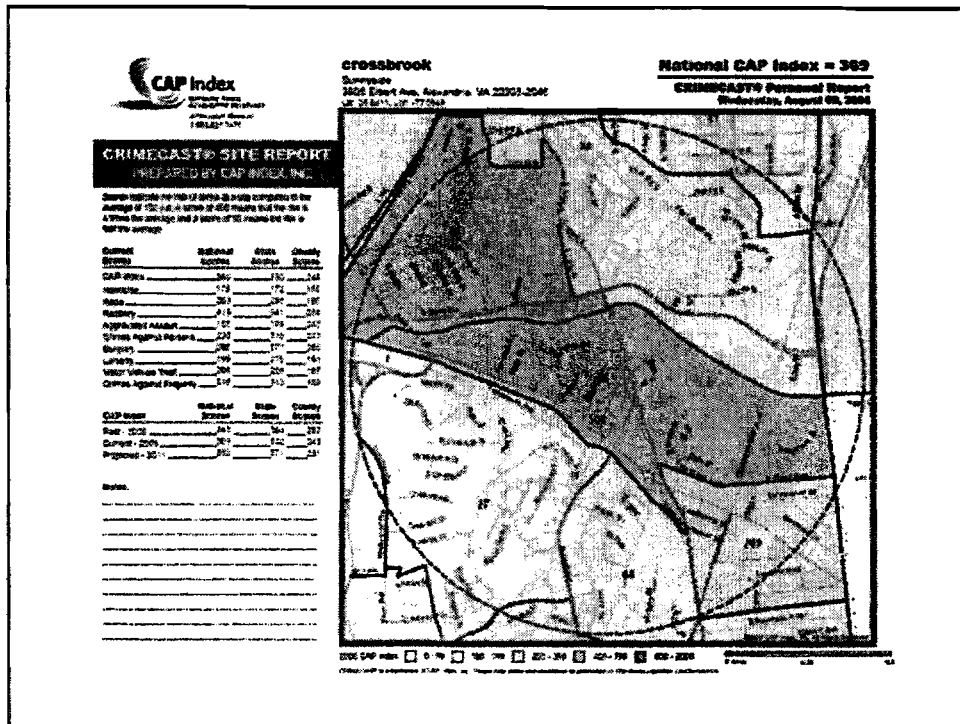
In 2005, Arlandria experienced 22% of Alexandria's violent crime. The next highest neighborhood experienced 9%.



But each neighborhood has a different sized population.

Here's representation of each neighborhood violent crime RATE, expressed here as the number of violent crime per 1000 residents.

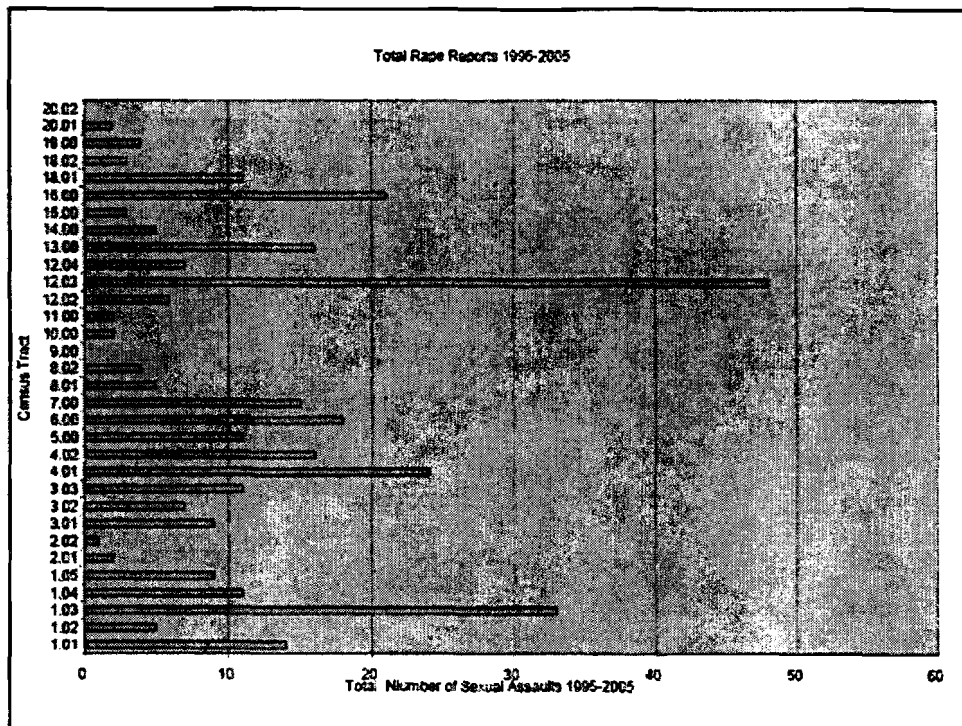
The range is from 0/1000 to 14/1000. Arlandria is at the top of that range. The next highest neighborhood crime rate is about half that.



And because Alexandria is considered a safe city, perhaps it's not fair to compare Arlandria to such safe neighborhoods in the city.

Here's a copy of report that we purchased that shows how crime in Arlandria compares to other neighborhoods nationwide. This research company has given a crime score to each and every census tract in the US.

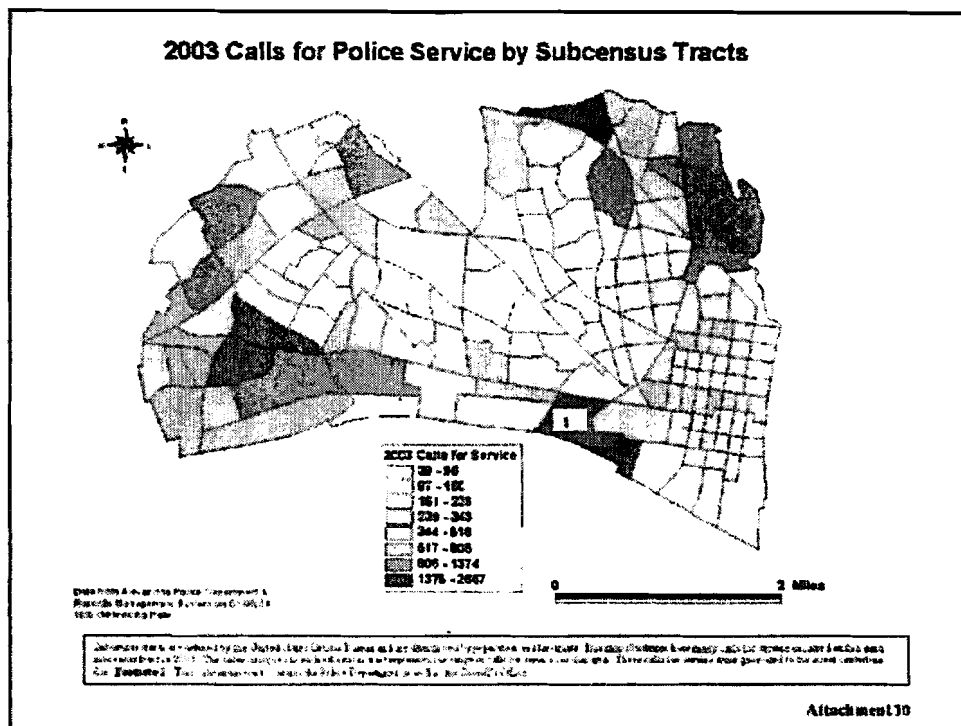
Here we see they have ranked the chance of being a victim of crime in Arlandria at 5 times the national average. Within the three-quarter mile radius the chance is 3.6 times. The rankings show that Arlandria isn't quite in the red zone, but toward the high end of the ranking.



And we could also look at crime over time...for instance, in any given year there are about 3 sexual assaults in Arlandria. That makes it a small component of total violent crime in any one given year.

But over time those 3 sexual assaults each year really add up.

Here is representation of sexual assaults by neighborhood over the past 11 years.



We have heard that crime might be an issue in Arlandria because of lack of reporting.

Here is a chart of call-for-service from the Alexandria Police department's 2003 annual report, the last year that they presented calls-for-service by neighborhood.

Again, we see Arlandria at the top in the highest range with between 1375 & 2600 calls-for-service (25-50 incidents per week).

We also see on this chart that many **neighborhoods** (in the pale greens) were below 250 calls for service, which is about the number of calls-for-service that we've seen reported at 24 Express (***alone***) over the past few years. Calls for Service might also be called 'cries for help'.

Not long ago, the United States was declaring "mission accomplished" on crime: Homicide rates were plunging, the crack epidemic was over, the broken windows were fixed. ...

... In reality, Americans were lulled into complacency about violent crime.

– David Kennedy, director of the Center for Crime Prevention
and Control at John Jay College of Criminal Justice, City
University of New York
The Neighborhood War Zone Sunday, August 13, 2006
Washington Post

We might not see crime like we did in the 80s, but it still exists and it's an issue that people face everyday.

The Entrance to Four Mile Run Park

Tom Fitzgerald
Treasurer LPAS HOA



Here's how we see the entrance to Four Mile Run Park today....obscured and hidden from view.

24 Express is just to the right behind the truck.

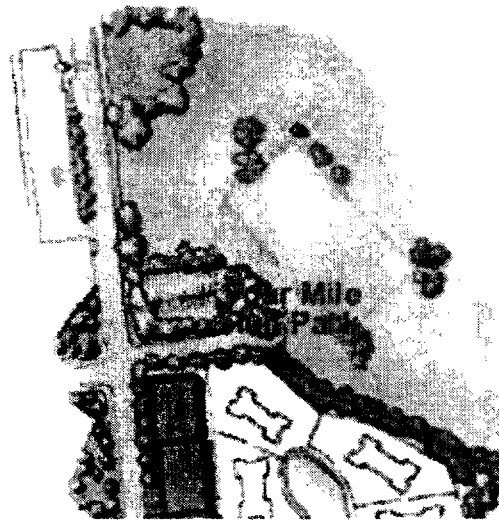
A Vision for the Arlandria Neighborhood

The Illustrative Plan

The Illustrative Plan outlines a future, long-term vision for the Arlandria neighborhood. The vision incorporates two major concepts identified by the community:

- Visually opening the park to the Avenue and enhancing the access to the park
- Optimizing the future development of the three major sites identified as underutilized and "opportunity sites"

Four Mile
Road



In the Arlandria Plan it was decided that we should:

“Visually open the park to the Avenue and enhance the access to the park”

As shown here. 24 Express is just below a NEW park entrance.



Here's a view of the park entrance from above the soccer fields.

You can see the serpentine path that leads to the park at the top.

A Vision for the Arlandria Neighborhood

The Action Plan

Short & Mid-Term Actions

Enhance access and visibility to Four Mile Run Park

Provide more landscaping and better signage at Four Mile Run Park



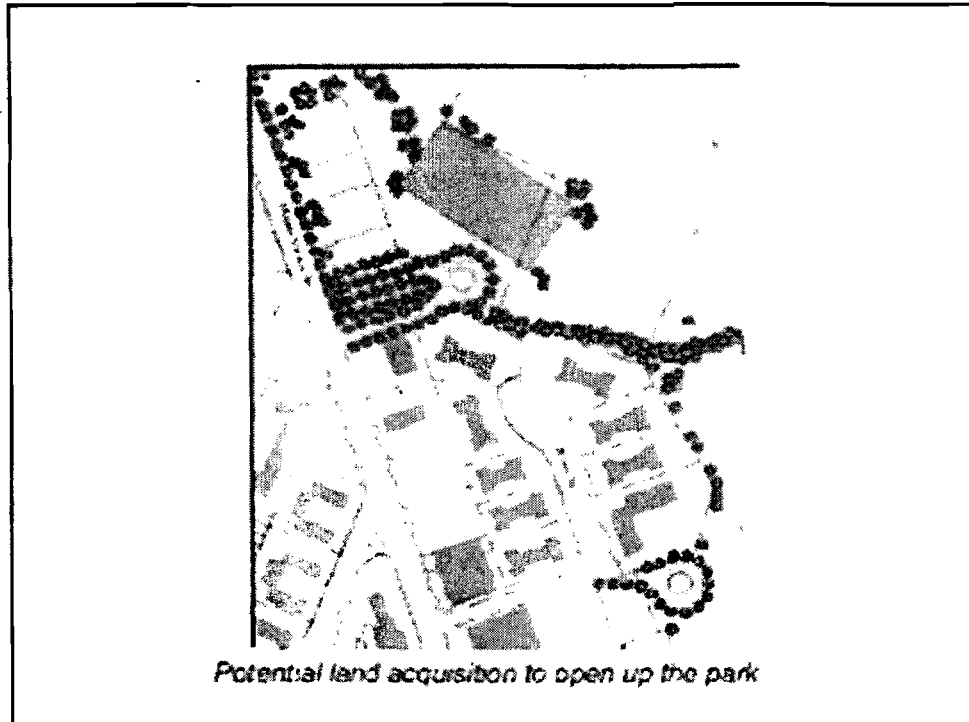
Enhancement to park north park access

The Arlandria Plan, approved in 2003, set in motion short and mid-term action plan.

One of those items was the creation of a new park entrance at Four Mile Road, next to (or perhaps across a portion of) 24 Express.

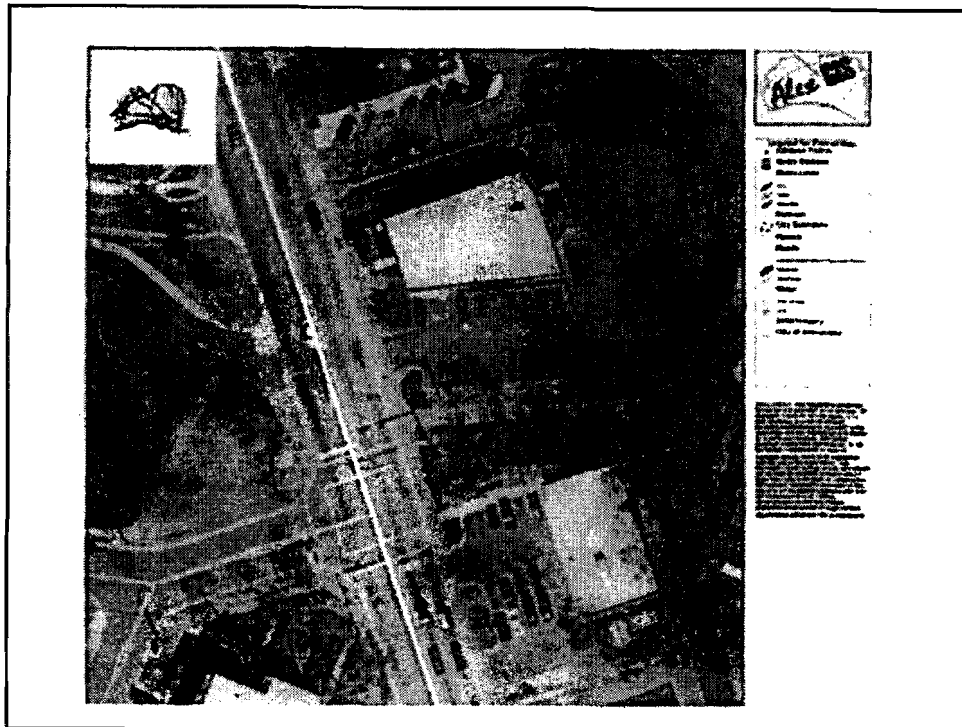
The City vacated the land next to path to 24 Express for about \$10,000. (The total property is now assessed at \$1million)

We believe funding for this improvement was approved in this years CIP budget.



The Arlandria Plan also looked forward to additional improvements in the longer term seen here.

With the recent acquisitions of the properties along the Avenue, north of 24 Express, implementation of this plan is even more important.



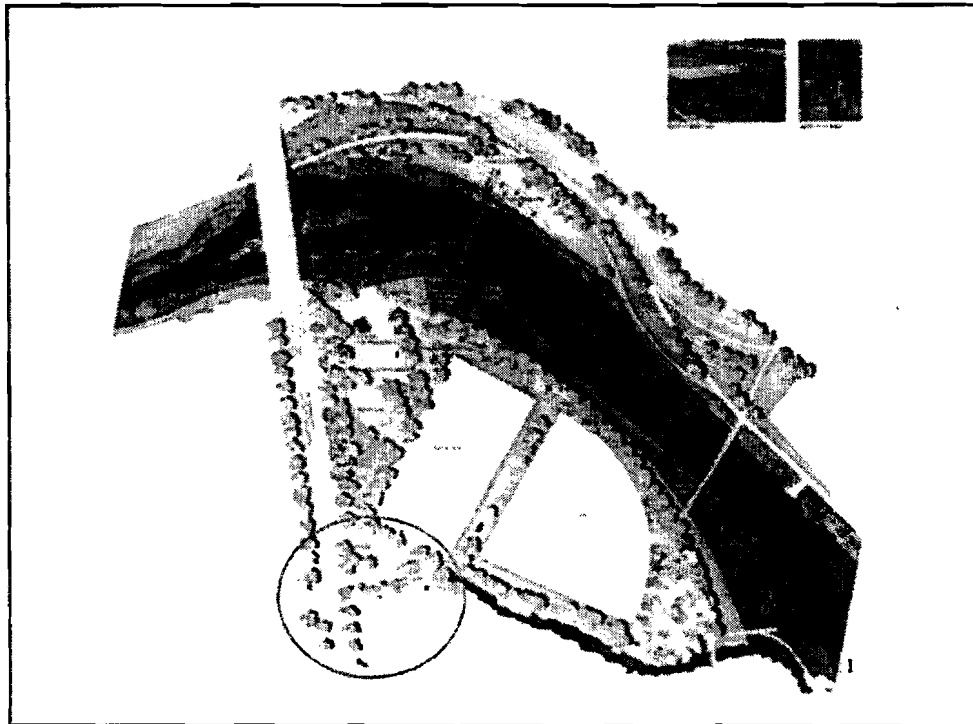
Here you can see how the unused portion of property at 24 Express is important:

- To make this new park entrance work
- To eliminate the multiple curb cuts
- And to bring traffic coming and going to the park and the business in alignment with the traffic light at Four Mile Road.

Currently, the traffic leaving 24 Express is not controlled by this traffic light. Traffic coming and going from the business is released into the middle of the intersection.

Should also note that this photo is old and that the 'stop-line' pictured here is now actually further south. Traffic now stops just south of the exit from 24 Express.

These improvements are necessary to enhance walkability.



The Four Mile Run Restoration Plan (as it pertains to Four Mile Run Park), also built on the plans for this new entrance (show here).

24 Express and the new park entrance and parking lot are circled.

"[Crime Prevention Through Environmental Design] CPTED is a prevention strategy that deals with the design, planning and structure of our cities and neighbourhoods. It acknowledges the physical environment has a great impact on the types and location of crime problems. CPTED has become a key ingredient for responsible planning of new housing projects, shopping malls, parks, parking lots, commercial areas, and other places throughout the modern city...

...One early example was in 7-11 convenience stores. There was a 56% reduction in robberies after physical modifications were employed including improved lighting, redesigning store layout and the outside property, improved surveillance, and enhanced territorial control around 7-11's (Castleman, 1984:21-28)."

NEW TOOLS TO ERADICATE CRIME PLACES AND CRIME NICHES

Gregory Saville, MFS, MCIP School of Criminology and Criminal Justice,
Florida State University

*Safer Communities: Strategic Directions In Urban Planning
The Australian Institute Of Criminology And The Victorian Community
Council Against Violence, Melbourne, 10-11 September 1998*

The physical environment in and around businesses is a crucial element in combating the crime and nuisance activity that occurs there.

City Staff's recommended conditions regarding landscaping and outdoor lighting as well as those related to signage, shelf height, etc, address how an improved physical environment could assist in combating neighborhood issues.



Litter

Nathalie Simon

Participant in Four Mile Run Watershed Stream Steward program

Participant in the Four Mile Run Park Clean-up



The picture here's is an ordinary day in December around the small stream immediately behind 24 Express and along the path to Four Mile Run Park.

There are multiple efforts to try to maintain the park and the surrounding neighborhoods.

- Our association has a resident picking up trash along our streets every few days.
- The apartments in the area fill 30 gallon trash bags almost every day.
- The Four Mile Run clean-up on Earth Day collects 30 30-gallon trash bags of trash each April, mostly the type of items found at convenience stores.
- The Sheriff's department's work release cleaned up this stream in April of this year. They could do it again, but there are only certain times of year when it's permitted.

THE COMMUNITY IS DOING ALL IT CAN DO TO MITIGATE THE IMPACT OF THIS BUSINESS. WE NEED HELP.

Alcohol, Crime & Arlandria

Paul Cox

Member Alexandria Social Services Advisory Board

You've already heard about how members of the community are involved in just about every aspect of the issues facing the neighborhood. We understand the issues and we understand the problems of alcohol and substance abuse in the community.

We recognize, perhaps more than most, the need for substance abuse counseling. This is something sorely needed and surprisingly absent in Arlandria.

We need to look at the issue of substance abuse from both the demand side as well as the supply side. We have already begun those discussions and we need City Council's support.



"Kevin Beekman"
<kbeekman@gmail.com>
05/06/2008 05:14 PM

To <hsdunn@ipbtax.com>, <komorosj@nasd.com>,
<jlr@cpma.com>, <erwagner@comcast.net>,
<jssjennings@aol.com>, <Donna_Fossum@rand.org>,
cc "Faroll Hamer" <Faroll.Hamer@alexandriava.gov>,
<Richard.josephson@alexandriava.gov>

bcc

Subject Docket Item #10 / May 6th Planning Commission

Dear member of the Planning Commission:

I am unfortunately not able to attend this evening's Planning Commission meeting, but I am writing to request that you defer making a recommendation on Docket Item # 10, the request by 24 Express to extend their hours of carry-out beer and wine sales, for the following reasons:

1. The attorney for 24 Express contacted me (for the first time) yesterday and agreed to meet with us on May 19th. I think it would be premature for the Planning Commission to make a recommendation prior to the community having a chance to engage the business owner in a discussion about his request.
2. The current request is to reverse the recommendation made just 18 months ago by the Alexandria Police Department. The APD is no longer supporting their recommendation and we have not been told why. A deferral would allow time for the community to understand this change. The community supported the restricted hours on the basis that they were the APD's recommendation and can not come to a fully reasoned conclusion in the absence of their input.
3. The staff report prepared for this item is missing information regarding complaints logged against the business pertaining to the sale of alcoholic beverages to an intoxicated person. I have pointed this out to P&Z staff, but have not yet received an explanation for the discrepancy. I have provided them with copies of the original complaints, corroborating testimony and verification that these reports were received by staff. These should have been provided to you.
4. We have not received a status report regarding the comprehensive review of alcohol policy in Arlandria as requested by City Council in approving the one hour restriction (as opposed to the two hour restriction requested by the APD).

If you chose not to defer this item, I would like to ask that you recommend denial of the request for the following reasons:

1. Nothing has changed so much as to warrant the lifting of this restriction. While we have not had a full discussion about this matter with the police, we continue to be told the following:
 1. Alcohol is an element to virtual every crime committed in Arlandria
 2. Reports of drunkenness have increased 50%
 3. Arrest for drunkenness have increased 100%
2. The restriction has begun to have some positive impact:
 1. Violent crime is down (but still among the highest in the city)
 2. Reports of public urination have decreased (drunken persons no longer urinate against my back fence every weekend).
 3. Citizens have reported that they are tenuously beginning to feel safer

3. Outstanding issues still exist:

1. The problems with the park entrance have not yet been resolved. No change should be effected until they are.
2. The neighboring properties purchased by the City are now vacant awaiting resolution. No change should be effected until they are disposed of.
3. The intersection in front of the store has been deemed the most dangerous in the City for pedestrian and bicycle traffic (see the City's Bike/Ped study). No change should be considered until a plan has been developed to address this. (I am told that there has been no determination as to when such a planning effort should begin).

4. The applicant's argument regarding competition is not valid.

1. Each SUP carries with it its own set of condition which are unique to that businesses set of circumstances
2. There are different conditions in the SUP for the convenience stores throughout the City
3. There have been instances when the City has gone so far as to prohibit the sale of beer & wine COMPLETELY at a convenience store owner who applied to have that ability. The 1 hour restriction is modest in comparison.
4. The applicant has compared his business to the nearby CVS which is located in a shopping center. The City has recommended that businesses in shopping centers be treated differently.
5. CVS is not in the same class as 24 Express as evidenced by the fact that they are not required to operate under an SUP.

5. Serious reports of violations have been made regarding the sale of alcohol to an intoxicated person at 24 Express. There has yet to be any follow-up on the part of the City with regard to this report. I have submitted to staff details of this incident, corroborating evidence and verification that the report has been received by P&Z staff.

The attorney for 24 Express has stated that he is prepared to make the argument that the restricted hours be lifted and that the SUP be reviewed in one years time as per the conditions of the SUP.

In regard to this argument:

1. I prefer that the conditions remain in place and be reviewed in one year's time to assess the need then.
2. I have little confidence in the City performing such a review in a timely manner, because:
 1. The City (and Planning Commission) ignored my requests that the 5 year review of the Safeway CDD site take place before its expiration at the end of 2007 as per the conditions of the SUP for the businesses at that site.
 2. Such a review has still not occurred.

Thank you for your consideration,

-Kevin Beekman

64



"Kevin Beekman"
<kbeekman@gmail.com>
04/30/2008 03:05 PM

To <Kendra.Jacobs@alexandriava.gov>,
<Nathan.Randall@alexandriava.gov>,
<Carrie.Beach@alexandriava.gov>,
cc "Jim Rorke" <jimrorke@comcast.net>, "Johan Broekhuysen"
<johan.broekhuysen@corp.aol.com>, "Melissa Russell"
<melissa-russell@comcast.net>, "Tom Fitzgerald"
bcc
Subject Fwd: FW: 24 Express Complaints

Here is the original email.

From: Kevin Beekman [mailto:kbeekman@gmail.com]
Sent: Saturday, December 30, 2006 12:04 AM
To: 'Jose Garcia'; 'Eddie.Reyes@alexandriava.gov'
Cc: 'Johan B'; 'Tom Fitzgerald'; 'Pam Williams'; 'jimrorke@comcast.net'
Subject: RE: 24 Express Complaints

December 29th, 2006

Sergeant Garcia & Captain Reyes,

I'd like to comment a bit further on this.

The post-11pm sales of beer was reported to me two weeks ago (Saturday, December 16th) while I was assisting a young woman whose car had broken down on Mt Vernon Ave (between Four Mile Road & Executive Ave). As I waited with her for a tow-truck to arrive (about 11:30pm), this young lady, a resident of Commonwealth Ave in Del Ray, mentioned seeing "a lot" of beer leaving 24 Express, but I did not see the sales first hand.

I just now returned home tonight from getting gas at the Arlandria Exxon. While pumping gas at approximately 11:20pm, I witnessed an OBVIOUSLY INTOXICATED individual leaving 24 Express with a 12 pack of Corona in a plastic bag. This man staggered through the Exxon lot and up toward Four Mile Road. There were three APD patrol cars parked next to the Exxon in the parking lot for Lillian's and another APD patrol car parked in the 24 Express parking lot. An APD police officer was outside in the parking lot of the 24 Express and I reported this incident to him. This officer was not interested in my report and mumbled something about "it'll change on Monday".

What is the status of the beer sales hours at 24 Express? What is law regarding intoxicated persons buying alcohol? And what is the policy when reports of intoxicated persons are made?

-Kevin Beekman

From: jimrorke@comcast.net [mailto:jimrorke@comcast.net]
Sent: Friday, December 29, 2006 4:25 PM
To: Jose Garcia
Cc: Johan B; Tom Fitzgerald; Pam Williams; Jim COMCAST Rorke; Kevin Beekman
Subject: 24 Express Complaints

December 29, 2006

Sergeant Garcia, I just wanted to follow-up on my telephone conversation with you this afternoon.

As I stated, it has been reported to me that 24 Express is violating it's SUP in at least two ways:

1. the sale of alcoholic beverages past the 11p.m. deadline, as stipulated in their SUP, and;
2. the sale of beer in 40 oz. glass containers at any time, again, as stipulated in their City Council granted SUP.

This, at a minimum appears to be two separate violations of their SUP within the first 6 months of being granted.

I am aware that 24 Express was represented by legal council during the hearings by City Council, as I and many residents of our HOA and neighborhood were in attendance at those meetings.

There can be little chance for mis-understanding of these key conditions.

On behalf of the Lenox Place at Sunnyside HOA, and as a local resident already adversely impacted by many of the crimes related to the excessive consumption of alcohol in our neighborhood (often by using 40 oz. glass beer containers) hereby request that these statements be investigated, and if found to be correct, that 2 separate citations be issued against 24 Express.

Thank you, in advance for your assistance in this matter.

Sincerely,

James T. Rorke, President

Lenox Place at Sunnyside HOA

--

-Kevin

703-519-4801 (Home)

703-405-1075 (Mobile)

815-333-4106 (Fax)



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2008-0020

PROPERTY LOCATION: 4007 Mount Vernon Avenue "24 EXPRESS"

TAX MAP REFERENCE: 007.01-02-18 ZONE: NR

APPLICANT:

Name: UAC LAND & BUILDING L.L.C. t/a "24 EXPRESS"*

* By attorney

Address: 4007 Mount Vernon Avenue, Alexandria, Virginia 22305

PROPOSED USE: grocery/convenience store

amendment of SUP #2006-0051

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

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

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

By: WILLIAM C. THOMAS, JR.

Print Name of Applicant or Agent

11320 Random Hills Road, #325

Mailing/Street Address

Fairfax, VA 22030

City and State

Zip Code

W.C. Thomas 2/26/08
Signature Date

(703) 385-8282 (703) 385-8761

Telephone #

Fax #

wthomas@fspd.com

Email address

Recommended approval 7-05-6-08
ACTION-PLANNING COMMISSION: _____

DATE: _____

ACTION-CITY COUNCIL: See attachment

DATE: 6/24/08

30. Consideration of a Report on City Regulation of Industrial Uses.

City Council approved a policy to defer consideration for special use permits for heavy industrial uses for the Eisenhower West area; and 2. directed staff to initiate a study analyzing the costs and opportunities of redeveloping the existing heavy industrial uses in Eisenhower West, and if it is going to prioritize, hearing that there is a six month buffer, that it expedite the comprehensive West End plan and then follow-up six months hence with the Beauregard Plan.

Council Action: _____

31. Consideration of the Questions To Be Submitted For an Advisory Referendum to the Voters of the City Regarding the Process to Elect the City Council and School Board and Whether the Questions Should Be Included on the Ballot at a May General Election or at a November General Election. (#29, 5/13/08, #3, 6/14/08)

City Council deferred this item to the first legislative meeting in May 2009 for consideration of two questions for the gubernatorial election.

Council Action: _____

32. SPECIAL USE PERMIT #2008-0020
4007 MOUNT VERNON AVENUE
24 EXPRESS STORE

Consideration of a request for a special use permit amendment to increase the hours for the sale of alcoholic beverages; zoned NR/Neighborhood Retail. Applicant: UAC Land and Building t/a 24 Express by William Thomas, Jr., agent

PLANNING COMMISSION ACTION: Recommend Approval 7-0 (#10, 5/20/08)

City Council required 24 Express to continue the limitation on the sale of alcohol after 11:00 p.m. while staff works to obtain voluntary compliance with other businesses on any alcohol sales at 11:00 and to encourage staff to do that voluntary compliance as expeditiously as possible, and to bring the item back in September for review if staff is unsuccessful in completing the voluntary compliance.

Council Action: _____

33. Receipt of Preliminary Staff Response to the Tridata Assessment of Fire Department Resource Locations, Staffing and Facilities. **THIS ITEM HAS BEEN MOVED TO THE CONSENT CALENDAR - ITEM #22A**

Council Action: _____

Public Hearing:

Board of Architectural Review

32

6-24-08

Jackie Henderson/Alex

06/24/2008 10:09 AM

To council@krupicka.com, justin.wilson@alexandriava.gov, beth Temple/Alex@Alex, CLAUDIAC@COMCAST.NET, hubler@erols.com, krupickaaide@comcast.net, Harlene
cc Richard Josephson/Alex@ALEX, Faroll Hamer/Alex@ALEX, Stephen Milone/Alex@ALEX, Lee Webb/Alex@ALEX, Michele Evans/Alex@Alex, Jim Hartmann/Alex@Alex

bcc

Subject Fw: Appeal of BAR Decision about 900 Prince St.

----- Forwarded by Jackie Henderson/Alex on 06/24/2008 10:08 AM -----



"john hynan"

<jnJosh@verizon.net>

06/23/2008 04:29 PM

To <jackie.henderson@alexandriava.gov>

cc

Subject Appeal of BAR Decision about 900 Prince St.

The Honorable William Euille
Mayor, City of Alexandria, Va.
City Hall
King St.
Alexandria, Va.

Dear Mr. Mayor and Members of Council:

The Board of Trustees of the Historic Alexandria Foundation (HAF) has voted to support the Old Town Civic Association in its appeal of the decision of the Board of Architectural Review (BAR) in the case of 900 Prince Street

This case involves an after-the-fact request for BAR approval of painting a previously unpainted masonry building at 900 Prince St. in the Old and Historic District

Such actions as these are clear violations of City guidelines and procedures. Therefore, the Foundation strongly supports the Old town Civic Association in its appeal to set things straight by correcting past wrongs and/or imposing appropriate sanctions

Thank you for your consideration in this important matter.

Sincerely. John Hynan vice Dr. Morgan Delaney, President of the Historic Alexandria Foundation

SPEAKER'S FORM

DOCKET ITEM NO. 32

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

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: William C (Tom) Thomas Jr
2. ADDRESS: 11320 RANDOM HILLS RD 325 FAIRFAX, VA 22030
TELEPHONE NO. 385 8282 E-MAIL ADDRESS: wthomas@fspd.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? APPLICANT / OWNER

4. WHAT IS YOUR POSITION ON THE ITEM?

FOR: ☒ AGAINST: ☐ OTHER: ☐

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?

YES ☒ NO ☐

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

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

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

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

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

Guidelines for the Public Discussion Period

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

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.

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

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

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