

Docket Item # 14
SPECIAL USE PERMIT #2003-0094

Planning Commission Meeting
December 2, 2003

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

APPLICANT: 7-Eleven Inc.
by Michael R. Vanderpool, attorney

LOCATION: 1667 Quaker Lane

ZONE: CL/Commercial Low

STAFF RECOMMENDATION:

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 (except for items identified in Condition #4). (P&Z)
4. Outdoor storage shall be limited to firewood. The firewood shall be located inconspicuously in a rack at the front of the store to the satisfaction of the Director of Planning and Zoning. (P&Z)
5. The business shall be permitted to operate for 24 hours daily.. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the business. (P&Z)
7. 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)
8. 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)
9. 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)
10. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)

11. No seats or tables shall be provided for the use of patrons. (P&Z)
12. The applicant shall install, and thereafter maintain in good condition, landscaping according to the attached landscaping plan. The applicant shall maintain shrubbery as close as feasible to 36 inches. (P&Z)
13. The applicant shall conduct employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
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 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)
16. Signs, including the new monument sign, and representation of wall signs as part of the facade improvement, shall be consistent with those proposed as part of this application. (P&Z)
17. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
18. The applicant shall pay the City the sum of \$850.00 for placement of one Model SD-42 Bethesda Series litter receptacle on the adjacent public right-of-way. (T&ES)
19. The applicant shall implement the facade improvements as submitted in the attached plans. (P&Z)
20. The applicant shall provide up to \$1000 to the city for restriping, posting new “no parking” signs, and implementing any other parking control method at the “no parking” area on the south side of Dogwood Drive. (P&Z)
21. The applicant shall inform all vendors that parking is not permitted along the south side of Dogwood Avenue adjacent to the store. The applicant shall provide to staff in writing 30 days from the date of approval the method that it informed the vendors of the parking restrictions. (P&Z)

22. The lighting for the parking lot is to be generally maintained at a minimum of 2.0 foot candles. The lighting shall be shielded to prevent glare on adjacent properties. (P&Z)(T&ES)
23. The applicant shall maintain 10 off-street parking spaces. (P&Z)
24. The applicant shall remove the pay phone on the property. (P&Z)
25. The applicant shall restrain, and thereafter maintain in good condition the enclosure for the trash container. (P&Z)
26. 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, (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)

DISCUSSION:

1. The applicant, 7-Eleven, Inc., by Mike Vanderpool, attorney, requests special use permit approval for the continued use of a nonconforming convenience store located at 1667 Quaker Lane.
2. The subject property is one lot of record with 51 feet of frontage on Quaker Lane, approximately 150 feet of depth and a total lot area of 12,853 square feet (.295 acres). The site is developed with a one-story commercial building with two tenant spaces. The 7-Eleven occupies a 4,887 square feet tenant space, and a self-service laundry and dry cleaning business occupies the other, smaller tenant space. The area surrounding the 7-Eleven is developed mainly with residential uses including the Fairlington development in Arlington across the street, the Terrace Townhouses of the Beverly Hills Condominium are located behind the building, and townhouses across Dogwood Drive. There is also a church and school located at the opposite corner of Quaker Lane and Dogwood Street, and a Sunoco gas station abuts the property to the south.
3. The applicant proposes to continue operating a nonconforming convenience store. (See the staff report for SUP#2003-0095 for more background). Staff has been working with representatives from 7-Eleven for several months on addressing the potential impacts that 7-Elevens present city-wide and the solutions staff and the applicant have proposed for addressing them.
4. The 7-Eleven has operated the existing convenience store at 1667 Quaker Lane since June 1960. 7-Eleven leases the property. The 7-Eleven store is a typical convenience retail store selling a variety of goods including food and beverages. According to the applicant, 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 ABC license for off premises sale of beer and wine between the hours of 6:00 a.m. and 12:00 midnight, as restricted state-wide by the Virginia Department for Alcohol Beverage Control. The store is open 24 hours a day, seven days a week.
5. The applicant proposes renovating the commercial building's facade as illustrated in the attached elevation, which shows the results of staff's work with the applicant to make the site more attractive. A new monument style sign will be installed along the Quaker Lane frontage to replace the existing pole sign, which will be removed (see attached drawing).
6. The applicant also proposes a number of landscaping and site improvements. There is presently no landscaping on the site, aside from a few shrubs attempting to screen the trash enclosure. The applicant has agreed to provide significant additional landscaping as

illustrated in the landscaping plan attached, including plantings to produce a hedge between the store and the adjacent Sunoco gas station.

7. Additional plantings will be installed along both Quaker Lane and Dogwood Drive to better screen the dumpster enclosure (see attached plans). The applicant proposes to take out some of the paved area around the dumpster that is not used for parking, and install landscaping. The trash enclosure will be painted or restained. The trash enclosure is not located within the vision clearance area. The applicant also proposes to repave the parking lot.
8. According to Section 8-200 (A)(16) of the zoning ordinance, a retail use of 4,887 square feet at this location is required to provide 1.1 parking spaces for every 210 square feet of floor area, totaling 26 spaces. The property has a total of 10 spaces on site. However, 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 1960; therefore, there is no technical parking requirement. According to the applicant, the existing parking has proven adequate because of the quick turnover of customers.
9. Trash generated is typical solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. A separate dumpster is in place to accept cardboard for recycling. Trash is picked up by a private hauler several times each week. The applicant presently contracts with a private company to perform three "litter walks" each week. The contractor removes litter and trash from the entire property as well as adjacent sidewalks and gutters. According to the applicant, store employees also perform a minimum of two litter walks each day to pick up litter on the property.
10. The applicant requests approval of continued outdoor storage for firewood. The applicant is willing to store firewood in a rack as approved by staff. An outdoor ice box has been recently removed and the pay phone will also be removed.
11. On November 10, 2003, the applicant and staff met with the Northridge Civic Association to discuss the case. The neighborhood discussed three main issues: trash and litter, including on the opposite side of Dogwood Drive; noise from early and late trash pick-up; and illegal parking in the no parking zone along Dogwood, particularly by idling trucks delivering goods to 7-Eleven. There were comments about the possibility of relocating the trash enclosure to improve vision clearance at the intersection of Quaker Lane and Dogwood Drive. Finally, residents expressed their strong preference for maintaining the existing lighting levels at the store.

12. Zoning: The subject property is located in the CL/Commercial Low zone. The CL zone does not currently allow convenience stores, and the subject store is considered a nonconforming use. According to Section 12-214 (A) of the zoning ordinance, the nonconforming use shall discontinue within seven years from the date that the owner and operator were notified of its nonconforming status, which in this case was on June 30, 1998. However, Section 12-214 (A)(1) states that the owner or operator of such use may apply for a special use permit to continue operating.

13. Master Plan: The proposed use is consistent with the Northridge/Rosemont chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff supports the proposed special use permit for the nonconforming 7-Eleven at 1667 Quaker Lane. The store has been operating for more than 40 years and provides a valuable retail service to residents in the area. As discussed in SUP#2003-0095, there are several issues that are characteristic of the 7-Elevens generally, in various degrees depending upon the location, as well as some additional issues that will be specific to each different location. Staff analyzed the impacts of these issues at the subject location as follows:

Alcohol sales.

Staff has included the standard condition prohibiting single sales of beer and wine, as agreed to by the applicant.

Hours of operation.

Staff was concerned generally about any negative effects that may be caused from a 24 hour operation. However, crime levels are not high, and neither residents nor the Police expressed any concern over the hours of the operation. Therefore, staff recommends that the operation be allowed to continue to operate 24 hours daily.

Litter and trash:

Staff was concerned generally about the potential for litter at the site and heard citizens express their concerns on the subject as well. However, the applicant is willing to perform frequent litter monitoring, and staff has included the standard condition language requiring attention to litter. Staff has also recommended a condition to add a City trash can along the frontage of the store.

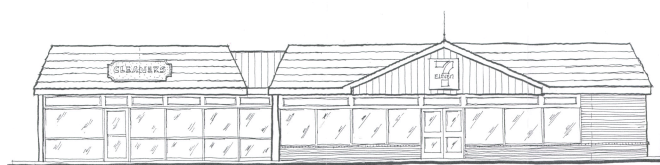
Site improvements (signage, landscaping, dumpster screening, etc.):

Staff has worked with the applicant extensively regarding staff's concerns about the appearance of the site. In response, the applicant has agreed to a number of facade improvements for the entire building, including removing the colored bands at the front of the facade, and adding a gable end over the entrance and a new roof. The existing 7-Eleven sign will remain above the entrance. In response, the applicant proposed a new facade for the entire commercial building, a new monument sign to replace the tall free-standing pole sign, and extensive landscaping. Landscaping will aid in the screening of the trash enclosure.

Existing Facade



Proposed Facade



Facade improvements include: new vinyl moldings and trim, new vinyl vertical shadow line siding, new roof structure with asphalt shingles, and new brick infill for the existing open area on the right side of the facade.

Crime:

There were 11 calls for service from this location over the past year, but they do not include any major criminal activity generated from the site. The police have been active in staff's discussions with the applicant over the past several months and support the application.

Access, Traffic, and Deliveries:

Although a small site with a somewhat awkward shape, customer vehicles, delivery vehicles, and trash trucks appear to all function on the property. However, residents discussed a problem with vehicles, particularly delivery vehicles, parking illegally on Dogwood Drive in the area that is designated no parking. Residents also complained that delivery trucks will often sit in the space idling and create issues with noise. Parking is not permitted in this area because Dogwood is a narrow street, and trucks need the turning space to enter and exit the 7-Eleven property.

The applicant has agreed to contact all of its vendors who make deliveries to remind them not to park in this area. Staff agrees that this is an important step to controlling the parking problem here. Staff also recommends that the applicant contribute \$1000 for restriping, installing new signs, or providing any other parking control element that would discourage illegal parking and the applicant has agreed.

Trash Dumpster:

Staff was concerned about the prominent corner location of the trash enclosure. Its location directly on Quaker Lane is very unattractive. In addition, it is difficult for drivers to see around the corner because of its proximity to the intersection. Residents also raised the location of the enclosure as an issue. Staff worked with the applicant on alternative locations for the trash enclosure. However, the site is so constricted that of the few alternatives available on the site, none proved feasible for either access, circulation, safety, or Code compliance issues. Therefore, staff is not requiring that the dumpster be moved, but has required additional landscaping around it, including in an area that now is paved. Under this proposal, the area will be more attractive.

Lighting:

Finally, the Police Department has recommended a minimum of 2.0 foot candles for the site. Staff surveyed the property and found that the existing lighting generally exceeds this standard on the property, and the light fixtures are shielded so as to not cause a nuisance to neighboring residential properties. Residents commented that they are satisfied with the lighting levels and would prefer that they not be increased. Therefore, staff recommends that the 2.0 foot candles for the site be maintained.

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

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 The site is located on the southeast corner of North Quaker Lane and Dogwood Drive and vehicular access is provided by two city standard driveway aprons, one on each street frontage. The Seven-Eleven shares the building with a dry-cleaners (#1669 N. Quaker Lane). A Sunoco Service station is located on the south side of the store.
- F-2 The public improvements; curbs, sidewalks and driveway aprons are in good condition and no repairs needed. The curb radius at the pedestrian street crossing has an existing handicap ramp.
- F-3 The private improvements; curbs, pavement are in good repair.
- F-4 Site lighting is provided by 3 pole mounted boxed (shielded) fixtures. There is one Cobra Head site light attached to a wood pole located along the property line with the Sunoco station, perhaps a remnant or original lighting. This could be removed.
- F-5 A lighting survey found that the site exceeds current city standards.
- F-6 There are no street litter boxes located on the street frontage of the store and very little room to install one on the right-of-way without interfering with pedestrians.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control 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.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 Applicant shall pay the City the sum of \$850.00 for placement of one Model SD-42 Bethesda Series litter receptacle on the adjacent public right-of-way.

- 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:

- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-4 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility is currently operating as 7-Eleven under Alexandria Health Dept. permit, issued to The Southland Corporation.
- C-3 This facility and all modifications must meet current Alexandria City Code requirements for food establishments.
- C-4 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-5 Permits and/or approval must be obtained prior to operation.

- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-9 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 alcohol content of 14% or more by volume) may not be sold.
 - 2. That the SUP is reviewed after one year.
- R-4 The lighting for the parking lot is to be a minimum of 2.0 foot candles minimum maintained.
- R-5 The shrubbery is to be a maximum height of 36 inches when it is mature.

Recreation, Parks and Cultural Activities:

- F-1 Recommend approval of proposed landscaping plan.