

Docket Item #8
SPECIAL USE PERMIT #2003-0116

Planning Commission Meeting
April 6, 2004

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

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

LOCATION: 4610 Kenmore Avenue

ZONE: CG/Commercial General

PLANNING COMMISSION ACTION, MARCH 2, 2004: By unanimous consent, the Planning Commission deferred the request.

Reason: The applicant requested the deferral.

PLANNING COMMISSION ACTION, FEBRUARY 3, 2004: By unanimous consent, the Planning Commission deferred the request.

Reason: The applicant requested the deferral.

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.

site graphic

I. DISCUSSION:

REQUEST

The applicant, 7-Eleven Inc., requests special use permit approval for the continued operation of a nonconforming convenience store located at 4610 Kenmore Avenue in the Seminary Plaza Shopping Center.

SITE DESCRIPTION

The subject property is one lot of record on Kenmore Avenue at North Van Dorn Street, with a total lot area of almost six acres. The site is developed with the one-story Seminary Plaza Shopping Center. The subject tenant space is approximately 1,600 square feet and is located toward the center of the building.

SURROUNDING USES

The 7-Eleven store is adjacent to a pizza and sub restaurant and a vacant tenant space. A grocery store and CVS pharmacy are also located in the center. The area surrounding the shopping center is a mix of office and commercial uses, with residential uses in the near proximity.

PROJECT DESCRIPTION

The applicant proposes to continue operating the nonconforming 7-Eleven convenience store. The applicant is the lessee of the property, and has operated the existing convenience store on the property since March 1964. The 7-Eleven store is a typical convenience retail store selling a variety of goods including food and beverages, which are consumed off the premises. The following information discusses the proposed continued operation:

- Hours: The store is open 24 hours a day, 365 days a year.
- ABC License: The store has an Alcoholic Beverage Control license for off-premise sale of beer and wine between the hours of 6:00 a.m. and 12:00 midnight.
- Landscaping: The store is located in a shopping center with minimal landscaping. Common areas are maintained by the owner, Seminary Plaza, LC.
- Sign: The sign is not a typical 7-Eleven sign, but includes white lettering consistent with the other tenant spaces of the center (see attached photo).
- Parking: The original Site Plan#62-006 approved parking for commercial uses at this building, and additional parking is not required.

Waste Management: Trash generated is typically solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. Trash is picked up by a private hauler several times per week. Store employees perform a minimum of two litter walks per day to pick up litter around the store. Seminary Plaza provides groundskeeping of the common areas. There are two trash cans to control litter located in the area at the front of the business.

ZONING

The subject property is located in the CG/Commercial general zone. Section 4-403 (G) of the Zoning Ordinance allows a convenience store in the CG zone only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Seminary Hill/Strawberry Hill small area plan chapter of the Master Plan which designates the property for uses compatible to the CG zoning.

II. STAFF ANALYSIS:

Staff does not object to the continued use of the 7-Eleven located at 4610 Kenmore Avenue. Because the store is located in a shopping center, many of the impacts normally associated with convenience stores can be better controlled, including that there is adequate parking, ample area for vehicular circulation to accommodate delivery and trash trucks, building staff to monitor maintenance and upkeep issues at the property, and that the store is not located in the immediate proximity of residential uses reducing the potential for negative impacts caused from this store. Staff did not observe any problems with litter or other maintenance problems on the premises. The 7-Eleven sign is subtle and consistent with the other tenants in the building. Finally, the business provides a valuable convenience retail service to the community.

In regard to alcohol sales, staff recommends the standard condition prohibiting single sales. The applicant discussed with staff the possibility of not including the condition because there does not appear to be any major issues with alcohol sales at this location. Although staff is not aware of specific problems caused from single sales at this location, staff supports the Police recommendation prohibiting single sales to prevent any potential problems, such as littering and loitering, and to be consistent with Police's policy to limit such sales city-wide.

Staff recommends a number of other conditions similar to those already approved for the previous 7-Eleven cases.

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

III. RECOMMENDED CONDITIONS:

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

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
3. No food, beverages, or other material shall be stored outside. (P&Z)
4. The business shall be permitted to operate for 24 hours daily. (P&Z)
5. The applicant shall post the hours of operation at the entrance to the business. (P&Z)
6. 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)
7. 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)
8. 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)
9. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
10. No seats or tables shall be provided for the use of patrons. (P&Z)

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

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

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

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-2 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building.

Code Enforcement:

- F-1 No comments.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility is currently operating as 7-11 under Alexandria Health Dept. Permit, issued to The Southland Corporation.
- C-3 This facility and all the modifications must meet current Alexandria Code requirements for food establishments.
- C-4 Five sets of plans must be submitted to and approved by this department prior to the 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 the 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 and “ABC Off” license is approved we recommend the following conditions:
 - 1. Beer and wine coolers be sold only in 4-packs, 6-packs or bottles more than 40 fluid ounces. Wine may be sold in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with a alcohol content of 14% or more by volume) may not be sold.
 - 2. That the SUP is reviewed after one year.

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

- R-4 The lighting for the parking lot be minimum of 2.0 foot candles minimum maintained.
- F-1 The shrubbery is not an issue at this location as the store is in a shopping center.