

Docket Item #7
SPECIAL USE PERMIT #2003-0120

Planning Commission Meeting
May 4, 2004

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

APPLICANT: 7 Eleven Inc.
by Maynard Sipe

LOCATION: 30 South Reynolds Street

ZONE: CL/Commercial Low

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

I. DISCUSSION

REQUEST

The applicant, 7-Eleven Inc., requests special use permit approval for the continued operation of a nonconforming convenience store located at 30 South Reynolds Street.

SITE DESCRIPTION

The subject property is one lot of record with 77 feet of frontage on South Reynolds Street, 116 feet of depth, with a total lot area of 10,797 square feet. The site is developed with a one story commercial building and surface parking. The subject building is approximately 2,625 square feet.

SURROUNDING USES

The surrounding uses are a mix of commercial, office, and residential. Immediately to the west is the Mobil Service Station. To the east is Windsor Arbor apartments. To the south is the Reynolds Street Bar and Grille and also the Washington Suites Hotel. To the north is the Precision Tune auto shop.

PROJECT DESCRIPTION

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

Hours: The store is open 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.

Architecture: The applicant proposes facade improvements including: removing the existing color bands from the fascia, installing a new mansard roof structure with asphalt shingles, and adding new moldings and trim above the existing windows for extra detail. (See attached plan).

Landscaping: There is little space at the subject property and the applicant initially proposed no additional landscaping. At staff's suggestion, the applicant will be removing paving and installing a planter island at the front of the store that will be bordered by railroad ties for durability. A tree will also be installed in the planter strip at the front of the store. (See attached plan).

Sign: The existing sign over the entrance is proposed to remain. There is also a freestanding sign located closer to the street, which the applicant has agreed to remove; it proposes to install a monument sign.

Parking: The original Site Plan #64-051 approved parking for commercial uses at this building, and additional parking is not required. There are seven parking spaces provided at the store.

Waste Management: Trash generated is typically solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. The applicant anticipates approximately 36 cubic yards each week of recycling and waste. Trash is picked up by a private hauler several times per week. Store employees perform a minimum of two litter walks per day to pick up litter around the store. Additional litter walks are performed three times per week by a contractor. To control litter, there is one trash can located at the front of the store and one located along the sidewalk.

ZONING

The subject property is located in the CG/Commercial General zone. Section 4-404 (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 Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for uses compatible with CG zoning.

II. STAFF ANALYSIS

Staff does not object to the continued use of the 7-Eleven located at 30 S. Reynolds Street. The store is compatible with the mix of uses already in the area. The business provides a valuable convenience retail service to the community.

Staff had concerns regarding the facade of the building and the lack of landscaping on the premises. In response to staff's concerns, the applicant proposes a number of facade improvements for the entire building including the removal of the colored bands at the front of the facade, the installation of a new mansard roof structure with asphalt shingles, and the addition of new mouldings and trim above the existing windows. The existing 7-Eleven sign will remain above the entrance. Although staff is generally satisfied with the proposed facade improvements, it recommends some minor changes. Staff recommends that the proposed mansard roof sloop be shallower, within the range of 6:12 and 8:12, in order to emphasize a more traditional look in scale. In addition, there are steel columns at the front of the building that are proposed to remain, but are not represented on the applicant's plans. Staff recommends that a decorative covering be affixed to these columns so that

they can be incorporated into the facade of the building. The applicant has agreed to work with staff on a design that will address these issues.

In regard to landscaping, the applicant proposes to remove pavement between the two curbcuts and install a landscaping bed and new monument sign, and proposes to install a tree in the planter strip along the sidewalk. The existing freestanding sign will be removed. The landscaping will make the site more attractive and will use wasted pavement area as landscaping. Also in response to staff's concerns, the applicant is proposing a trash enclosure to screen the dumpster.

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

Staff also recommends the installation of a city trash can to replace the private can located along the sidewalk. 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. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of 40 fluid ounces or more. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (Police)

6. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be permitted to accumulate on site outside of those containers. (P&Z)
7. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
8. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
9. No seats or tables shall be provided for the use of patrons. (P&Z)
10. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
12. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
13. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
14. Lighting shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (P&Z)
15. The applicant shall increase the level of site lighting on the south side of the property to meet current city standards. (T&ES)
16. The applicant shall pay the City the sum of \$ 850.00 for a Model SD-42 Bethesda Series litter receptacle to replace the existing street can. (T&ES)

17. The applicant shall implement the facade improvements consistent with the attached plans, except that the slope of the mansard roof shall be shallower, within the range of 6:12 and 8:12, and that the columns at the front of the building (not pictured in attached plans) shall be covered with a decorative material, to the satisfaction of the Director of Planning and Zoning. (P&Z)
18. The applicant shall install, and thereafter maintain in good condition, landscaping according to the attached landscaping plan. (P&Z)
19. The applicant shall remove the existing freestanding sign, and install a new monument sign to the satisfaction of the Director of Planning and Zoning. (P&Z)
20. 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)
21. The applicant shall screen the dumpster to the satisfaction of the Director of Planning and Zoning and shall maintain the screening in good condition. (P&Z)
22. 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:

- F-1 The site is located on South Reynolds Street just south of Duke Street.. Vehicular access is from 2 city standard driveway aprons.
- F-2 The public improvements; curbs, sidewalks and driveway aprons are in good condition and no repairs needed.
- F-3 This store was originally approved under Site Plan #64-051.
- 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 The applicant shall increase the level of site lighting on the south side of the property to meet current city standards.
- R-5 Applicant shall pay the City the sum of \$ 850.00 for a Model SD-42 Bethesda Series litter receptacle to replace the existing street can.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 New construction 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 the 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 pick up schedule.
 - (b) How food stuffs will be stored on the site.
 - (c) Rodent baiting plans.

Health Department:

- C-1 This facility is currently operating as 7-Eleven under Alexandria Health Dept. permit, issued to Southland Corporation.
- C-2 This facility and all modifications must meet current Alexandria City Code requirements for food establishments.
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction/modifications. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities
- C-4 Permits and/or approval must be obtained prior to operation.
- C-5 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 Certified Food Managers must be on duty during all hours of operation.
- C-7 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-8 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 fl or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
 2. That the SUP is reviewed after one year.

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

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

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

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