

Docket Item #8
SPECIAL USE PERMIT #2003-0121

Planning Commission Meeting
May 4, 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

LOCATION: 5725 Edsall Road

ZONE: CL/Commercial Low

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended conditions found 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 146 feet of frontage on Edsall Road, 555 feet of depth, with a total lot area of approximately 1.65 acres. The site is developed with a series of one and two story commercial buildings and surface parking. The subject tenant space is approximately 2,714 square feet.

SURROUNDING USES

The surrounding area is occupied mostly by commercial uses. There is a dry cleaning business located in the tenant space immediately adjacent to the 7-Eleven. To the west is the Mr. Wash Express car wash. To the east is the Fair Price International Supermarket. To the south is Giant supermarket and other small retail uses. To the north is the rest of the businesses of Edsall Center which include small retail and service uses.

PROJECT DESCRIPTION

The applicant proposes to continue operating the nonconforming 7-Eleven convenience store. The applicant is the lessee of the property and has been operating the store at this location since 1963. 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 other 7-Eleven cases, the following 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 new vertical metal siding to match the existing siding on the rest of the building, and adding new mouldings and trim over the windows for extra detailing (see attached plans).

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 installing a planter island at the front of the store. Also at staff's suggestion, the applicant is proposing to relocate the dumpster closer to the store to widen the landscaping area along the street frontage, and install a new trash enclosure.

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 #64-110 approved parking for commercial uses at this building, and additional parking is not required. There are a total of 20 spaces at the front of the building, nine of which the applicant states are for the 7-Eleven. According to the applicant, the existing parking has proven adequate for the store's level of operations.

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. Additional litter walks are performed three times per week by a contractor. There are two trash cans to control litter located at the front of the business.

ZONING

The subject property is located in the CG/Commercial General zone. Section 4-404(G) of the Zoning Ordinance allows a convenience store 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 to the CG zoning.

II. STAFF ANALYSIS

Staff does not object to the continued use of the 7-Eleven located at 5725 Edsall Road. The store is compatible with the mix of uses already in the area. The business provides a valuable convenience retail service to the community. More than other stores in the City, however, the site is unattractive and staff has worked with 7-Eleven to achieve the greatest degree of enhancements feasible on this cramped site.

For example, 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 to remove the colored bands at the front of the facade, install new metal siding that will match the existing siding at the complex, and add new mouldings and trim above the windows. Although staff would not normally support the metal siding material to improve the site, it will blend with the rest of the complex which is more appropriate architecturally than a design different than the rest of the complex. The existing 7-Eleven sign will remain above the entrance.

In regard to landscaping, staff made a number of recommendations to which the applicant has agreed. Included in the applicant's proposed landscaping is a hedge to screen the parking along the front of the property, and a landscaping bed in what is now the westernmost parking space along the street frontage. An unhealthy tree located in the planter strip along the street will be replaced, and two new trees will be added. At staff's suggestion, the applicant also proposes a new trash enclosure to be located closer to the building in order to widen the adjacent landscaped area, and enhance the variety of plantings in this area. The applicant also proposes the removal of the freestanding sign, and installation of a monument sign in the same location. The improvements will greatly enhance the site which is now very deprived of landscaping.

Staff was also concerned that there were a high number of calls for police service from this location as compared with other locations. The calls numbered three times of those at other locations, including a high number of public drunkenness compared to other stores. The combination of the bus stop and pay phone at the site, along with the single sales of beer and wine, create a venue for higher levels of nuisance activity.

To respond to these concerns, the applicant proposes to remove the pay phone. In regard to alcohol sales, staff recommends the standard condition prohibiting single sales. Staff finds that the removal of the pay phone and the prohibition of single sales of beer and wine, in combination with the site improvements, will better discourage nuisance activities from occurring at the site.

Staff recommends a number of other conditions similar to those already approved for the previous 7-Eleven cases, including the addition of a City trash can to control litter.

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 repair the site lighting fixtures that are not working and clean and maintain all lights. (T&ES)

16. Applicant shall pay the City the sum of \$ 850.00 for placement of a Model SD-42 Bethesda Series litter receptacle to be placed the public right-of-way. (T&ES)
17. The applicant shall implement the facade improvements as submitted in the attached plans. (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 screen the dumpster to the satisfaction of the Director of Planning and Zoning and shall maintain the screening in good condition. (P&Z)
21. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
22. The 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 the north side of Edsall Road east of South Van Dorn 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.
- 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 repair the site lighting fixtures that not working and clean and maintain all lights.
- R-5 Applicant shall pay the City the sum of \$ 850.00 for placement of a Model SD-42 Bethesda Series litter receptacle to be placed the public right-of-way.

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 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 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 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.