

Docket Item #5
SPECIAL USE PERMIT #2004-0058

Planning Commission Meeting
February 1, 2005

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

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

LOCATION: 3412 Mount Vernon Avenue
(Parcel Address: 3408 Mt. Vernon Avenue)

ZONE: CG/Commercial General

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

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, 7-Eleven Inc., requests special use permit approval for the continued operation of a nonconforming convenience store located at 3412 Mt. Vernon Avenue.

SITE DESCRIPTION

The subject property is one lot of record with approximately 179 feet of frontage on Mount Vernon Avenue, a depth that ranges between approximately 219 feet and 242 feet, and a total lot area of approximately 38,280 square feet. The site is developed with a shopping center and surface parking area. Tenants in the shopping center include a laundromat, Señor Chicken restaurant, the subject 7-Eleven convenience store, and Chirilagua market and carry-out. The 7-Eleven store occupies 2,630 square feet of space.

SURROUNDING USES

To the north of the site across Mount Vernon Avenue is a vacant building formerly occupied by Yates Auto Parts store. Immediately across Mt. Vernon Avenue is a car wash. To the south is a Popeye's restaurant. To the west is Food Way grocery store and Warwick Village residential development.

PROJECT DESCRIPTION

The applicant proposes to continue operating the nonconforming 7-Eleven convenience store. The applicant is a lessee of the existing building. 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 operates for 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: Staff has spent a number of months with the applicant on facade improvements. The applicant has agreed to remove the existing gable roof and replace it with a new roof to make the front facade more compatible with the fronts of the existing shopping center(See attached plans).

Landscaping: Landscaping was recently installed by the City along the perimeter of the property as part of the Landover Path project. In addition, the applicant will be removing pavement and installing additional landscaping where a new monument sign will be installed.

Sign: The applicant has agreed to remove the freestanding sign located closer to the street and proposes a monument sign. A new 7-Eleven sign will be located on the new structure above the existing entrance to the store.

Parking: There are a total of 50 parking spaces on the property, including 11 spaces at the back of the building, and 48 parking spaces are required for the retail uses in the entire shopping center. Therefore, the applicant complies with the parking requirement.

Trash Dumpster
and Litter:

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. The dumpster is located at the back of the building. 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 are trash cans located at the front of the store.

ZONING

The subject property is located in the CG/Commercial General zone. Section 4-403 (G) of the Zoning Ordinance permits a convenience store in the CG zone only with a special use permit. Since the existing 7-Eleven store does not currently operate under a special use permit, it is required, under Section 12-214 of the zoning ordinance, to obtain a special use permit to allow the continuation of its use.

MASTER PLAN

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

II. STAFF ANALYSIS

Staff does not object to the continued use of the 7-Eleven located at 3412 Mt. Vernon Avenue. The store is compatible with the mix of uses already in the area and provides a valuable convenience retail service to the community.

The location of the existing store and the surrounding area provide opportunities for improvement and redevelopment. The owner of the shopping center where the 7-Eleven is located has expressed an interest in upgrading the center and is willing to work with the tenants and Planning and Zoning in doing so. Staff spent a number of months working with the applicant on facade improvement

plans, and encouraged the applicant to work with the property owner on coordinating improvements to the building. In response to staff's concerns, the applicant proposes a number of facade improvements for the building including removal of the existing gable roof and replacement with a new roof feature in keeping with the adjacent uses. A new 7-Eleven sign will be located above the front entrance to the store.

Regarding landscaping, the City invested in landscaping along the perimeter of the property as part of the Landover Path project, which has been installed and greatly enhances the property. In addition, the applicant proposes to remove pavement and install additional landscaping in the area where a new monument sign will be installed.

Regarding the freestanding 7-Eleven sign on the property, staff has worked with the applicant to remove this freestanding sign as well as the other freestanding sign on the property and replace them with one monument sign. The new monument sign will be located on the south side of the entrance to the shopping center.

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.

With the following 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. 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)
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. Lighting shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (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 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. (T&ES)
14. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES)
15. The applicant shall implement the facade improvements consistent with the attached plans to the satisfaction of the Director of Planning and Zoning. More specifically, on the parapet for the replacement roof, the design should be simple and not ornate. Also, the area above the windows along the front facade of the building that is shown

as a blank white space should be constructed with the same metal prefinished panels proposed for the new roof design. (P&Z)

16. The applicant shall install, and thereafter maintain in good condition, landscaping to the satisfaction of the Directors of Planning and Zoning and Recreation, Parks and Cultural Services. (P&Z)
17. 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 no higher than eight feet and no larger than 50 square feet in area. (P&Z)
18. 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)
19. 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)
20. Lighting on the property shall be shielded to prevent glare on adjacent properties. (P&Z)
21. 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;
Richard Josephson, Deputy Director;
Valerie Peterson, Urban Planner.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 Lighting survey conducted, lighting determined to be adequate per T&ES.
- R-1 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-2 No amplified sounds shall be audible at the property line.
- R-3 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-4 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.
- 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 A construction permit is required for the proposed changes to the facade.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

Health Department:

- F-1 This facility is currently operating as 7- Eleven under Alexandria Health permit, issued to The Southland Corporation.

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- 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.
- R-1 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.

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.

SUP#2004-0058
3412 Mount Vernon Avenue

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**