

Docket Item #4  
SPECIAL USE PERMIT #2004-0110

Planning Commission Meeting  
March 1, 2005

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

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

**LOCATION:** 3023 Duke Street

**ZONE:** CL/Commercial Low

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**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 3023 Duke Street.

### SITE DESCRIPTION

The subject property is one lot of record with 97 feet of frontage on Duke Street, 193 feet of depth, with a total lot area of about a half an acre. The site is developed with a two story commercial building and surface parking. The first floor is occupied by the 7-Eleven store, and the second floor is occupied by 7-Eleven offices. The subject 7-Eleven store is approximately 2,640 square feet.

### SURROUNDING USES

The surrounding uses are a mix of commercial and residential. Immediately to the east is Bishop Ireton High School. To the north and west are residential uses. Across the Duke Street to the south is an auto sales business, a pizza restaurant, and Dunkin' Donuts. Alexandria Commons shopping center is in the near vicinity to the west.

### PROJECT DESCRIPTION

The applicant proposes to continue operating the nonconforming 7-Eleven convenience store. The applicant is the owner 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 currently open from 5:00 a.m. to 12:00 midnight daily. The applicant requests that the hours be extended to 24 hours daily, consistent with most other stores in the city.

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 has agreed to a number of facade improvements including reducing the size of the front overhang and providing a less decorative roof cornice. The applicant has also agreed to retain the "fin" on the east side of the building as an identifying feature.

Landscaping: The applicant has agreed to provide landscaping along all sides of the site, as shown on the attached plan.

Sign: The applicant has agreed to remove the existing freestanding sign located closer to the street and proposes to install a monument sign. A new 7-Eleven sign will be located on the front canopy feature. This sign will not be internally illuminated.

Parking: There are 15 parking spaces provided at the store, which will remain. Section 8-200(A)(16) of the zoning ordinance requires that a retail use of 2,640 square feet is required to provide 14 parking spaces. Therefore, the business 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 in the parking lot 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.

SUP History

On October 12, 1991, City Council granted SUP#2503 to allow the 7-Eleven store to operate for 24 hours. On April 25, 1992, City Council reviewed the special use permit (SUP#2503-A), and allowed the case to be withdrawn after the applicant submitted a letter stating they did not want to implement the extended hours.

ZONING

The subject property is located in the CL/Commercial Low zone. A convenience store is not permitted by right or by special use permit in the CL zone. The existing convenience store is a nonconforming use.

MASTER PLAN

The proposed use is consistent with the Taylor Run/Duke Street 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 3023 Duke Street. The store is compatible with the mix of uses already in the area and provides a valuable convenience retail service to the community.

Staff has sought to improve this site and its appearance by suggesting changes to the facade of the building and landscaping on the premises. In response to staff's concerns, the applicant proposes a number of facade improvements for the building including the removal of the colored bands at the front facade to be replaced with a smaller front canopy. A new, non-internally illuminated, 7-Eleven sign will be placed on the front of the new front canopy. The applicant had originally proposed a decorative cornice on the roof of the building. In working with staff, this cornice will be revised to be a much simpler, less decorative feature. The "fin" on the east side of the building will be retained.

In response to staff's concern regarding the landscaping on the property, the applicant proposes to install new landscaping and provide a new monument sign to replace the existing freestanding sign. The new landscaping will include new trees and shrubs along the front, rear and east and west sides of the site. The landscaping will make the site more attractive.

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.

Regarding the extension of operating hours, the requested hours are consistent with other 7-Eleven stores that have been approved throughout the City, and is appropriate along a major east-west arterial. There is a wood privacy fence between the residential uses and the 7-Eleven to buffer potential impacts. Staff recommends a one-year review to ensure that problems do not arise.

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. 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 facade improvements, including removing the color band on the front facade, installing a new smaller front canopy with a non-

illuminated sign, and retaining the “fin” on the east side of the building in accordance with the attached plan to the satisfaction of the Director of Planning and Zoning. (P&Z)

16. The applicant shall install, and thereafter maintain in good condition, landscaping according to the attached landscaping plan 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 sign, and install a new monument sign to the satisfaction of the Director of Planning and Zoning. The monument sign shall not exceed eight feet in height. (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.

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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 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-2 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-3 No amplified sounds shall be audible at the property line.
- F-1 No lighting survey was done at this location, however, there appears to be a good number of lights fixed to the building, as well as free standing lights.
- F-2 There are 5 garbage cans at the site, they are all the old type.

##### 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.



Health Department:

- F-1 This facility is currently operating as 7-Eleven under an 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. Plan 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.

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#2004-0110  
3023 Duke Street

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