

Docket Item #3
SPECIAL USE PERMIT #2005-0005

Planning Commission Meeting
April 5, 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: 2 South Jordan Street

ZONE: CL/Commercial Low

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinance 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 2 South Jordan Street.

SITE DESCRIPTION

The subject property is one lot of record with 292 feet of frontage on Jordan Street, a depth that ranges from 32 feet at the north to 162 feet at the south and a total lot area of 21,720 square feet. The site is developed with a shopping center with five tenants and a surface parking lot. Tenants in the shopping center include the subject 7-Eleven, a dry cleaner, a seafood market, a video rental and check cashing store, and an electronics repair shop. Vehicular access to the property is from Jordan Street.



SURROUNDING USES

To the north of the subject site across Duke Street are the Foxchase Apartments and the Foxchase Shopping Center. Across South Jordan Street, to the west is an auto repair and service shop and a restaurant and condominium building parking lot. To the south of the subject site there are single-family and two-family homes along Jordan Street and Venable Avenue. To the east is Ewald Park.



PROJECT DESCRIPTION

The applicant proposes to continue operating the nonconforming 7-Eleven convenience store. 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 applicant in this case owns the subject site. Consistent with the staff's approach in the other 7-Eleven cases, the features of the continued operation are as follows:

Hours: The store operates 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 has proposed a gabled end facing South Jordan Street with a new sign located within the pediment. A mansard roof is proposed for the rest of the building. The existing color band will be removed. The applicant has worked with staff to make minor modifications to the facade and has agreed to incorporate them into their final design. These minor modifications include the following:

1. Widening of the pediment
2. Incorporating a shallower roof angle on the mansard roof (max 10:12 pitch)
3. Maintaining continuous entablature at base of pediment
4. Use of horizontal siding at pediment

Landscaping: At staff's suggestion, the applicant has proposed landscaping improvements to the site, which include additional planting beds and trees on the property. The applicant proposes new beds on the northern edge of site along Duke Street and along Jordan at the southwestern edge of the lot. Staff is recommending that the planting bed on the southwestern edge of the property be increased in size to twice the proposed depth. The existing bed at the corner of Duke Street and Jordan Street will be enhanced with new plantings and a monument sign.

Sign: A new 7-Eleven facade sign will be located over the door. The applicant has agreed to remove the freestanding sign located closer to the street and proposes to install a monument sign (see attached illustration).

Parking: The existing parking for the entire shopping center complies with current zoning; however, staff is recommending that the applicant resurface the parking lot and in doing so, the applicant would need to ensure that the same number of parking spaces are maintained.

Trash
Dumpster
and Litter:

Trash generated is typical of similar retail establishments and includes paper, cardboard and plastic items. 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 and the adjacent right-of-way. Additional litter walks are performed three times per week by a contractor.

ZONING

The subject property is located in the CL/Commercial Low zone. The CL zone does not currently allow convenience stores; however, the nonconforming use may continue operating with special use permit approval.

MASTER PLAN DESIGNATION

The proposed use is consistent with the Seminary Hill Small Area Plan chapter of the Master Plan which designates the property for commercial low use.

II. STAFF ANALYSIS

Staff does not object to the continued use of the 7-Eleven at 2 South Jordan 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 had concerns regarding the facade of the building and the lack of landscaping on site. In response to staff's concerns, the applicant has proposed facade improvements to the building that include a gable end facing South Jordan Street with a paneling effect on the pediment. A new sign will be placed within the pediment. A new mansard roof is also proposed for the building and the existing color band will be removed.

The applicant is also proposing a new enclosure to screen both the recycling and waste containers, and the existing pole sign will be replaced by a monument sign (see attached illustration) with landscaping around the sign. Staff recommends that the lot be resurfaced due to its current state of disrepair and has added a condition for the resurfacing and the applicant has agreed to this condition.

New landscaping will be incorporated into the site. On the northern edge of the site along Duke Street, pavement will be removed and a new landscaping bed will be created. The landscaping plan shows an additional bed on the southwestern edge of the property along Jordan Street, which staff felt could be enlarged to incorporate additional landscaping on the lot. Staff has added a condition that requires the bed to be twice the proposed depth and the applicant has agreed to this condition. The existing bed on the corner of Duke Street and Jordan Street will be enhanced with new plantings and a monument sign. The applicant also proposes several new trees on the site. The improvements will make the site more attractive and will soften the appearance of the parking area.

Regarding alcohol sales, staff supports the Police recommendations prohibiting single sales to prevent any potential problems, such as littering and loitering, and to be consistent with Police policy to limit such sales City-wide.

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

III. RECOMMENDED 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, except that the pediment shall be widened to align with the glass windows below, the slope of the mansard roof shall be shallower with no greater than a 10:12 pitch, the base of the pediment shall maintain a continuous entablature, and the pediment shall have horizontal siding, 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, with the exception that the planting bed on the southwestern edge of the property along S. Jordan St. shall be increased to twice the proposed depth, 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 parking lot shall be resurfaced and repaired to the satisfaction of the Director of Planning and Zoning and the Director of Transportation and Environmental Services. (P&Z) (T&ES)
22. The applicant shall provide the City \$850.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way. Contact T&ES at 703.838.4324 x186 for information. (T&ES)
23. 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;
Katrina Newton, 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 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 Applicant shall provide the City \$850.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way. Contact T&ES at 703.838.4324 x186 for information.
- R-5 Resurface and/or repair the parking lot to the satisfaction of the Director of Transportation and Environmental Services.
- F-1 Parking lot is in a state of disrepair.
- F-2 Condition of driveway aprons are marginally acceptable.
- F-3 Existing metal light pole located at the corner of Duke Street is rusted and peeling.
- F-4 Lighting Survey indicates that the lighting is adequate.

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. 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, and is not proposed in locations that will block visibility.

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

SUP#2005-0005
2 South Jordan Street

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