

Docket Item #3
SPECIAL USE PERMIT #2005-0016

Planning Commission Meeting
May 3, 2005

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

APPLICANT: 7-Eleven, Incorporated
by Maynard Sipe

LOCATION: 405 East Braddock Road

ZONE: CSL/Commercial Service Low

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**

I. DISCUSSION

REQUEST

The applicant, 7-Eleven Inc., requests special use permit approval for the continued operation of a nonconforming convenience store located at 405 East Braddock Road.

SITE DESCRIPTION

The subject property is one lot of record with 234 feet of frontage on East Braddock Road, 76 to 233 feet of depth, with a total lot area of approximately .85 acres. The site is developed with a small neighborhood retail center, owned by the Southland Corporation (7-Eleven), that contains approximately 5,064 square feet and is divided into four commercial spaces which include the 7-Eleven, a beauty salon, cleaners, and a Subway restaurant. The store is 5,573 square feet in size.

SURROUNDING USES

To the north of the site is the George Washington Middle School. To the east is the Braddock Road Metro Station and Colecroft development. To the west is a one story building occupied by Kaufman's office equipment. To the south are single family residences.

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.

7-Eleven has been working with the City to review options for redevelopment of the property in conjunction with the adjoining two property owners at the corner of Braddock and Mount Vernon Avenue, which includes the City and Yates Holdings, LLC. This redevelopment is proposed to include a new 7-Eleven store. While redevelopment plans are being refined, the applicant requests approval of a SUP to allow the convenience store use for two years. This should provide adequate time to conclude the redevelopment planning and submission of a SUP for the revised site layout of a new store.

The following features of the continued operation are proposed:

Hours: The store is open 24 hours a day.

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.

Landscaping: At staff's suggestion, the applicant will be installing landscaping according to the attached plan.

Parking: There are thirteen parking spaces delineated for the center, which will remain. Section 8-200 (F) (1) of the Zoning Ordinance states that any land that was in use on June 25, 1963, is not required to provide off-street parking to meet the current zoning. In this case, the store has been operating at this location since 1960; therefore, there is no technical parking requirement.

Trash Dumpster
and Litter:

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. The dumpster is enclosed with a fence. 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 three private trash cans located on the property, and one City trash can located along the sidewalk.

ZONING

The subject property is located in the CSL/Commercial Service Low zone. The CSL zone allows a convenience store only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for uses compatible with CSL zoning.

II. STAFF ANALYSIS

Staff does not object to the continued use of the 7-Eleven located at 405 East Braddock 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.

Staff's concerns for this site are similar to other sites and include the dated facade and lack of landscaping. Given the proposed redevelopment of the property in the near future, staff does not recommend major renovations at this time similar to what has been recommended at all of the other 7-Eleven stores. Staff recommends interim landscaping improvements, which the applicant has agreed to, and that the applicant repair potholes in the parking lot. Staff recommends that these improvements be done within 60 days of the approval of the SUP.

Staff also recommends that the permit expire in two years from the date of approval so that in the event that redevelopment does not occur as anticipated, the case can be brought back to hearing and additional conditions on facade and landscaping improvements may be added. The applicant is already working with the City and the adjacent property owner on plans for redevelopment, and two years should be sufficient time for the three parties to work out site design issues, meet with the community, conclude the redevelopment planning, including the request for proposals process, and for the applicant to submit a new application for SUP for the revised site layout.

Finally, staff has included all of the standard conditions recommended in the other 7-Eleven cases, including the prohibition of single sales of alcoholic beverages.

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. 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)
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. Trash collection shall occur between 7:00 a.m. and 8:00 p.m. (P&Z) (PC)
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. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
13. The applicant shall repair the potholes in the parking lot within 60 days of the approval of this permit to the satisfaction of the Directors of T&ES and Planning and Zoning. (T&ES) (P&Z)
14. 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. The landscaping shall be installed within 60 days of the approval of this permit. (P&Z)
15. 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)
16. The applicant shall maintain the dumpster screening in good condition. (P&Z)

17. Lighting on the property shall be shielded to prevent glare on adjacent properties. (P&Z)
18. This permit shall expire two years after City Council approval. (P&Z)
19. 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.

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 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-2 The applicant shall repair the potholes in the parking lot.
- F-1 Curbs and sidewalk look very good, and there are many large garbage cans on the site, including one Bethesda series can.
- F-2 Lighting survey indicates adequate lighting at site.
- F-3 There are several large potholes in the parking lot.

Code Enforcement:

No Comments.

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 modification 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.

Police Department:

- R-1 We recommend the following condition remain in place for the “ABC Off” license:
 - 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.

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-2 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-3 The shrubbery is to be a maximum height of 36 inches when it is mature.
- R-4 No objections.

SUP#2005-0016
405 Braddock Road

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