

Docket Item #16
SPECIAL USE PERMIT #2005-0045

Planning Commission Meeting
June 7, 2005

ISSUE: Consideration of a request for a special use permit to continue the operation of a nonconforming convenience store use.

APPLICANT: Mia's Market
by Mia Kim

LOCATION: 3122 Mount Vernon Avenue

ZONE: CRMU-M/Commercial Residential Mixed Use (medium)

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.

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Mia Kim, requests special use permit approval for the operation of a convenience store located at 3122 Mount Vernon Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 362 feet of frontage on Mount Vernon Avenue, and a total lot area of 3.4 acres. The site is developed with the Calvert Apartments building, with commercial uses on the first floor of the building. The subject convenience store, known as Mia's Market, occupies a 3,000 square feet space at the northernmost commercial tenant space in the building.



The first floor of the Calvert Apartments building contains 16,142 square feet of commercial space fronting on Mount Vernon Avenue. The commercial space in the center includes the Bombay Curry Company and Village Il Porto restaurants, a tax service establishment immediately adjacent to the subject convenience store, and other commercial uses.

BACKGROUND

In 1986 the “convenience store” use was added to the Zoning Ordinance, distinguishing this high impact use from other retail uses and requiring a special use permit for convenience stores. The subject convenience store predates this change in the ordinance, does not have a special use permit and, therefore, is considered “nonconforming”. In 1998, City Council amended the Zoning Ordinance to require that nonconforming uses cease operations within seven years, unless an SUP is approved allowing their continued use (TA#97-0009A). The subject convenience store was notified of its nonconforming status by letter dated June 30, 1998, explaining that a special use permit was required prior to July 1, 2005, or it would have to cease operations.

PROPOSAL

The applicant proposes to continue operating the nonconforming Mia’s Market convenience store. The following information is provided by the applicant about the proposed continued operation:

Hours: The store is open from 6:00 a.m. to 11:00 p.m. Sunday through Thursday and 6:00 a.m. to 12:00 midnight Friday and Saturday.

ABC License: The store has an Alcoholic Beverage Control license for off-premise sale of beer and wine. The applicant currently does not sell single containers of alcohol, only in six or 12 packs. According to the applicant, her employees are trained on preventing underage sales.

Property Improv'mts: The property owner is in the process of making improvements. A trash enclosure was just completed, and the building permit is approved for new awnings and lighting for the commercial spaces. New signs will also be part of the improvements.

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 twice per week. Store employees consistently perform litter walks around the parking lot and property in the vicinity of the store. There is a newly installed consolidated trash area with enclosure for the commercial tenants located on the south end of the parking lot.

PARKING

There are 133 spaces available for the commercial tenants, which includes a parking area to the north of the property that is available for residential tenants only between 12:00 midnight and 6:00 a.m. when most of the commercial businesses are closed. The parking requirements for the center are as follows:

<u>Use</u>	<u>Parking Required</u>
Bombay Curry Company restaurant (SUP #96-0070)	12
Del Merei (grandfathered)	27
Nail Chateau	4
Video store	4

Calvert Cleaners	3
Alexandria Appliance Repair	3
Jackson-Hewitt Tax Service	3
Mia’s Market	12
Village Il Porto (SUP#2001-0021)	43
Vietnamese Restaurant (SUP#2004-0084)	8
Parking required:	119
Parking provided:	133 (some of these spaces are allowed for resident use between 12:00 midnight and 6:00 a.m.)

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-M/Commercial Residential Mixed Use-Medium zone, with proffer. Retail uses are allowed in the commercial spaces. The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial residential mixed uses.

II. STAFF ANALYSIS

Staff does not object to the continued operation of the convenience store at 3122 Mount Vernon Avenue. Staff did not observe any problems with litter or other maintenance problems on the premises. The property owner is in the process of improving the property, including adding new signs and awnings for all of the commercial businesses. The store is well established in the Calvert apartment building, continuing to provide convenience retail items to area residents as it has for a number of years.

Staff recommends a number of conditions similar to those already approved for the previous 7-Eleven convenience store cases, such as with regard to litter, trash, and single sales of alcohol.

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 hours of operation shall be limited to 6:00 a.m. to 12:00 midnight 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, as well as ongoing training for sales of alcohol to minors. (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. Business signs shall comply with the Mount Vernon Avenue Design Guidelines and be in accordance with Article 9 of the zoning ordinance. (P&Z)
16. 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 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 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.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.

Code Enforcement:

- F-1 No comments.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits must be obtained prior to operation.
- C-3 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

- F-1 This facility is currently operation as Mia’s Market under an Alexandria Health permit issued to Mia Kim.

Police Department:

- R-1 The applicant is to contact the Community Relations 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 Community Relations 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#2005-0045
3122 Mount Vernon Avenue

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