

**CONSENT AGENDA ITEM**

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Docket Item #4  
SPECIAL USE PERMIT #2006-0121

Planning Commission Meeting  
March 6, 2007

**ISSUE:** Consideration of a request for the continuance of a nonconforming convenience store use.

**APPLICANT:** 7-Eleven, Incorporated  
by Maynard Sipe, attorney

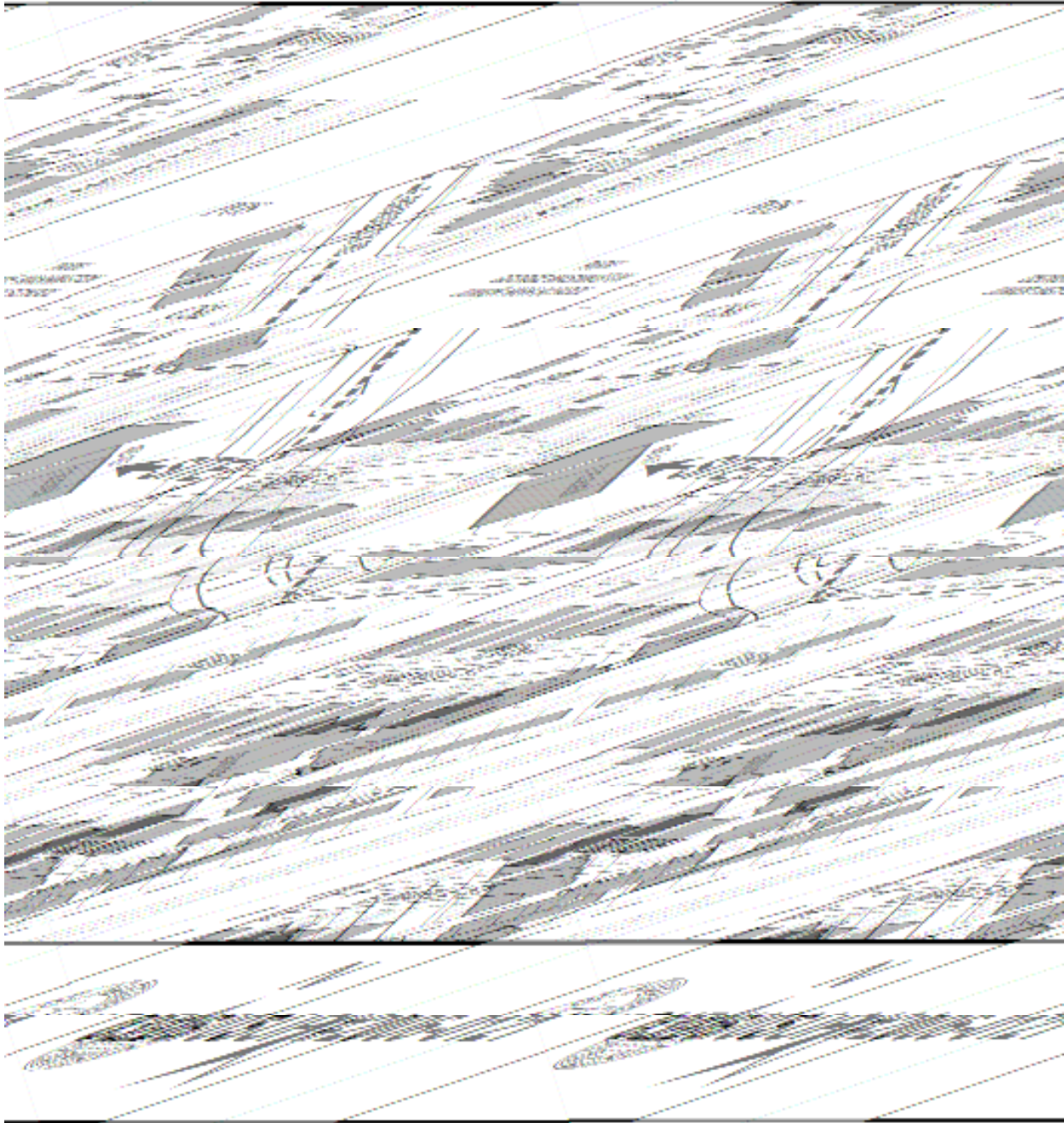
**STAFF:** James Hunt, Planner  
[james.hunt@alexandriava.gov](mailto:james.hunt@alexandriava.gov)

**LOCATION:** 405 East Braddock Road (Unit Address: 407 East Braddock Road)

**ZONE:** CSL/Commercial Service Low

---

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



## 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.

### BACKGROUND

On May 14, 2005, City Council approved Special Use Permit #2005-0016, to operate a nonconforming convenience store use.

At the time of approval of the SUP, it was anticipated that the 7-Eleven site would be redeveloped within two years. Redevelopment of the site is expected to incorporate the existing 7-Eleven store and other existing and new uses into a small, well designed and neighborhood compatible commercial area. Based on this anticipated time table, staff recommended that the special use permit be reviewed in two years after the date of approval to coincide with the anticipated redevelopment of the property.

On February 2, 2007, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

PROPOSAL

The applicant requests a two year extension to finalize redevelopment plans for 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. Since the approval of SUP#2005-0016, the applicant has had the property surveyed and appraised as a part of the redevelopment efforts. 7-Eleven has reviewed several conceptual redevelopment plans and has had some preliminary discussion with the adjoining landowner.

The proposed 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 an additional 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 7-Eleven will continue to operate as follows:

- 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 midnight.
- Landscaping: At staff's suggestion, the applicant will be maintaining landscaping according to the attached plan.
- Parking: There are thirteen parking spaces provided 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/MASTER PLAN DESIGNATION

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.

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 continuation of the 7-Eleven at 405 East Braddock Road for an additional two years. Staff finds that the use is consistent with other neighborhood uses and provides a valuable convenience retail service needed for the area. Subsequent to the previous SUP approval, the applicant has complied with the requested landscaping and parking lot improvements.

Staff maintains the standard conditions that have been included in other 7-Eleven stores throughout the city, 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) (SUP#2005-0016)
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) (T&ES)(SUP#2005-0016)
3. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2005-0016)

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) (SUP#2005-0016)
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) (SUP#2005-0016)
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) (SUP#2005-0016)
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) (SUP#2005-0016)
8. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP#2005-0016)
9. No seats or tables shall be provided for the use of patrons. (P&Z) (SUP#2005-0016)
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) (SUP#2005-0016)
11. Lighting shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (P&Z) (SUP#2005-0016)
12. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)(SUP#2005-0016)
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) (SUP#2005-0016)

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) (SUP#2005-0016)
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) (SUP#2005-0016)
16. The applicant shall maintain the dumpster screening in good condition. (P&Z) (SUP#2005-0016)
17. Lighting on the property shall be shielded to prevent glare on adjacent properties. (P&Z) (SUP#2005-0016)
18. This permit shall expire two years after City Council approval. (P&Z) (SUP#2005-0016)
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) (SUP#2005-0016)
20. **CONDITION ADDED BY STAFF:** The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)

21. **CONDITION ADDED BY STAFF:** Applicant shall provide the City \$2,000.00 for two Model SD-42 Bethesda Series litter receptacles for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60-days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)
22. **CONDITION ADDED BY STAFF:** Replace all required landscaping that is dead, missing or in poor condition. (RP&CA)
23. **CONDITION ADDED BY STAFF:** Maintain landscaping to be free of litter and weeds and endue plants receive proper care. (RP&CA)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;  
James Hunt, 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:

- R-1 Loudspeakers shall be prohibited from the exterior of the building.
- R-2 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-3 Applicant shall provide the City \$2,000.00 for two Model SD-42 Bethesda Series litter receptacles for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60-days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)
- R-4 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. (T&ES)
- 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.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

##### Code Enforcement:

- F-1 No comment.

Health Department:

F-1 No comment.

Police Department:

F-1 The Police Department has no objections to the continued operation of the 7-11 located at 411 (405) E. Braddock Road for another two years while planning for redevelopment proceeds as long as the alcohol conditions listed below continue in force.

The applicant is seeking an “ABC Off” license only. The Police Department has no objections to the sale of alcohol off premise subject to the following conditions:

**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.**

Recreation, Parks, & Cultural Activities

R-1 Replace all required landscaping that is dead, missing or in poor condition.

R-2 Maintain landscaping to be free of litter and weeds and endue plants receive proper care.

SUP #2006-0121  
405 East Braddock Road

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

SUP #2006-0121  
405 East Braddock Road

SUP #2006-0121  
405 East Braddock Road