



**Special Use Permit #2014-0129**  
**4608 and 4610 Kenmore Avenue**  
**(Parcel Address: 4550 Kenmore Avenue) - 7-Eleven**

<b>Application</b>	<b>General Data</b>	
Request to amend an existing Special Use Permit for the expansion of a convenience store	<b>Planning Commission Hearing:</b>	March 3, 2015
	<b>City Council Hearing:</b>	March 14, 2015
<b>Address:</b> 4608 and 4610 Kenmore Avenue (Parcel Address: 4550 Kenmore Avenue)	<b>Zone:</b>	CG/Commercial General
<b>Applicant:</b> 7-Eleven, Inc. represented by M. Catherine Puskar	<b>Small Area Plan:</b>	Seminary Hill/Strawberry Hill

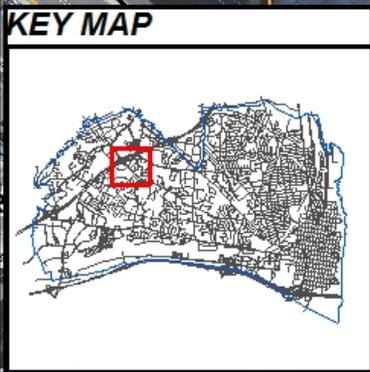
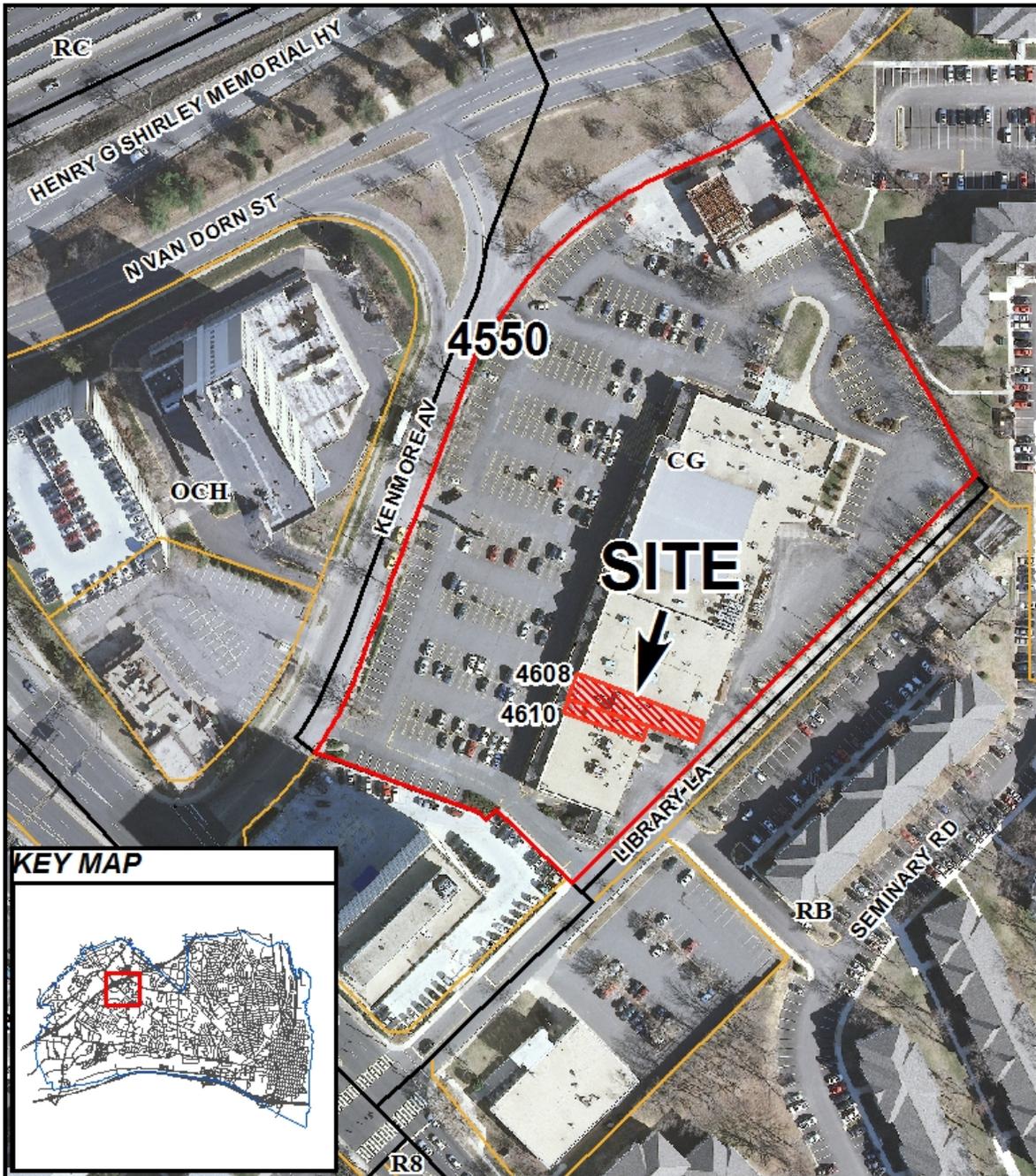
**Staff Recommendation:** APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

**Staff Reviewers:** Ann Horowitz, ann.horowitz@alexandriava.gov

**PLANNING COMMISSION ACTION, MARCH 3, 2015:** On a motion by Commissioner Macek, seconded by Commissioner Wasowski, the Planning Commission voted to recommend approval of the request subject to compliance with all applicable codes, ordinances, and staff recommendations, including the amendment to Condition 20 and the deletion of Condition 21. The motion carried on a vote of 6 to 0 with Commissioner Lyle absent.

**Reason:** The Planning Commission generally agreed with the staff analysis and accepted the applicant’s proposed condition revisions that were introduced at the meeting and corresponded with modifications in the Police Department’s recommendations. Condition 20 language was expanded to permit the monitoring of restrooms and the ATM by security cameras and the Condition 21 requirement for the scheduling of two employees at all times was deleted. Vice Chairman Dunn asked if the Police proposed and approved the changes to Conditions 20 and 21 and staff responded that it had. Commissioner Macek requested the consistent use of “restroom” in all conditions. Additionally, he expressed that the seating proposed in the original application could have been an amenity for customers and may have improved security by attracting customers. Commissioner Macek suggested that the commission may want to consider seating in future convenience store SUPs based on positive outcomes for this business model in other jurisdictions. Commissioner Wasowski supported his remarks, adding that a seating area could have reduced litter. She agreed with the Condition 20 amendment, stating that the original requirement to locate near the cashier was restrictive.

**Speakers:**  
M. Catherine Puskar, attorney for the applicant, spoke in support of the application and stated that the expansion provides the applicant with an opportunity to upgrade another 7-Eleven in the City.



**SUP #2014-0129**  
**4608 & 4610 Kenmore Avenue**  
**Parcel Address: 4550 Kenmore Avenue**



## I. DISCUSSION

The applicant, 7-Eleven, Inc., represented by M. Catherine Puskar as counsel, requests to amend a previously approved Special Use Permit (SUP) to expand a convenience store into the adjacent tenant space, formerly a Quiznos Sub Sandwich Restaurant, at 4608 Kenmore Avenue.

### SITE DESCRIPTION

The subject property is one lot of record with approximately 824 feet of lot frontage on Kenmore Avenue, 964 feet on Library Lane, and a total lot area of 247,522 sq. ft. The site contains a 51,224 square foot shopping center, constructed in 1964, and a 2,739 sq. ft. gasoline service station that opened in 1995 (SUP#1727 and #1727A).

Known as the Seminary Plaza Shopping Center, the subject property is surrounded by a mix of commercial, residential, and institutional uses. An Exxon service station is located to the north and residential apartments are located to the east. An office building is located to the south and is separated by an access road from the shopping center. A public library, fire station, and middle school are sited farther to the south on Seminary Road. The Courtyard Hotel is located to the west, across Kenmore Avenue.



The existing convenience store occupies 1,600 square feet and is one of nine tenants in the shopping center. The applicant's business is located between a vacant tenant space, where Quiznos Sub Sandwich Restaurant formerly operated, and a salon. A health club, dry cleaner, pharmacy, restaurant, and bank are also tenants at the subject site. The anchor tenant space, which previously housed a Magruder's grocery store, now is vacant.

### BACKGROUND

The Planning Commission approved SIT#62-006 on July 23, 1962 for the Seminary Plaza Shopping Center and a 379 space parking lot at 4550 Kenmore Avenue. At that time, the developer proposed to lease tenant space to three retail operations, four personal service businesses, and one amusement establishment.

The applicant has operated a 7-Eleven convenience store at 4610 Kenmore Avenue since March 1964 and is one of the original shopping center tenants. City Council approved SUP#2003-0116 to permit the continued operation of the then nonconforming convenience store. A recent staff SUP inspection revealed violations for litter and for the storage of materials outside. The applicant immediately addressed these violations and now complies with all SUP conditions.

City Council approved SUP#2004-0046 for a Quiznos restaurant in the abutting 2,112 square foot tenant space at 4608 Kenmore Avenue. Zoning inspections in 2010 and 2012 resulted in

three warning tickets for the display of portable signs, which were immediately removed. Quiznos closed and vacated the space on September 14, 2014

### PROPOSAL

The applicant requests approval to expand its existing convenience store into the former Quiznos restaurant space at 4608 Kenmore Avenue creating a 3,712 square foot retail operation. The applicant proposes to increase its selection of fresh and hot prepared food items, such as sandwiches, salads, fruits, pizza, chicken wings, hot dogs, and snack foods. The coffee bar and fountain drink area would be expanded and more grocery items would be available for purchase. Interior lighting, display, and décor upgrades are proposed to reflect current 7-Eleven corporate standards. Additionally, the interior renovation would include improvements to store security features that include higher resolution video monitors for the four existing cameras, three additional cameras, and enhanced lighting.

Characteristics of the existing convenience store which will continue are:

Hours of operation:	24 hours a day
Customers:	Approximately 1,350 per day
Employees:	Twelve employees per day
Alcohol:	Off-premises alcohol sales between 6 a.m. and midnight daily pursuant to Virginia ABC regulations
Noise:	Noises typically associated with a retail business are expected
Odors:	No odors are expected from the business
Trash:	Typical solid waste from a small retail business such as cardboard. Trash would be collected daily.
Litter:	Employees would regularly monitor the property for litter.

### ZONING/ MASTER PLAN DESIGNATION

Pursuant to Section 4-403(G) of the Zoning Ordinance, a convenience store is permitted in the CG zone with Special Use Permit approval. The convenience store use is consistent with the Seminary Hill/Strawberry Hill Small Area Plan, which designates this area for commercial use.

## PARKING

Sections 8-100(A)(3) and 8-200(F)(1) of the Zoning Ordinance exempt the shopping center and the existing convenience store from parking requirements because SIT#62-006 was approved prior to 1963. The convenience store expansion of 2,112 square feet, however, is considered a new use that requires 13 additional parking spaces. The 379-space parking lot provides a sufficient number of spaces to accommodate the grandfathered uses in the shopping center as well as the convenience store's 13 required parking spaces.

## **II. STAFF ANALYSIS**

Staff believes the proposed expansion of the existing convenience store is a reasonable request. The additional space at 4608 Kenmore Avenue would permit the applicant to expand its merchandise selection and upgrade the store's interior to be consistent with contemporary 7-Eleven models. Additionally, the proposed expansion would increase the availability of quick-service food options for nearby office employees and hotel guests while reducing shopping center vacancy.

Importantly, the proposed store expansion and upgrade provides an opportunity for the applicant to improve security measures in the Seminary Plaza Shopping Center convenience store. As a general matter, convenience stores are encouraged to develop sound security programs because these businesses are often open 24 hours a day and sell off-premises alcohol. The applicant's business ranks in the mid-range for police calls from City convenience stores with 41 calls to police between January 1, 2014 and January 22, 2015. All calls for service, however, did not result in reportable offenses. The lowest number of calls for service from a City convenience store during that same time period was eight and the highest was 157.

To improve security, the applicant's proposal would increase visibility into the space through the wider expanse of windows integrated into the proposed storefront. The proposed high resolution security system, additional cameras, and improved lighting, would also improve public and employee safety within the store. In addition to these security enhancements, staff and police have added several security-related conditions, similar to those that were included in recent SUPs for convenience stores in the Carlyle area and at 410 East Glebe Road. First, staff recommends that at least eighty percent of the storefront windows must remain free of signage, shelves, and products to provide clear views into the store, as stated in Condition 18. The cash register must be located in an area where employees can observe indoor and outdoor activity as well as public restrooms and the ATM. These measures are addressed in Conditions 19 and 20, respectively. Police recommend that two employees work at the store at all times in Condition 21 and the installation of high quality, closed circuit television cameras is included in Condition 22. Additional conditions refer to methods designed to reduce loitering. Condition 23 recommends that the applicant sign an agreement with the Police Department to enforce no-trespassing and no loitering policies on the store property and signage prohibiting trespassing and loitering is stipulated in Condition 24. Moreover, the case can be docketed for Planning Commission and City Council review prior to the standard one year SUP review if security matters arise, as stated in Condition 25.

Further conditions have been carried over from SUP#2003-0116 and several have been amended to reflect current SUP standard language, including more stringent requirements for off-premises alcohol sales and the posting of DASH and Metrobus schedules. Modern-day standard conditions regarding supply delivery schedules and the proper disposal of waste products have been added in Conditions 26 and 27, respectively.

Subject to the conditions stated in Section III of this report, staff recommends approval of the Special Use Permit request.

### III. RECOMMENDED CONDITIONS

Staff recommends **APPROVAL** subject to compliance with all applicable codes and ordinances and the following conditions:

1. **CONDITION AMENDED BY STAFF:** The special use permit shall be granted to the applicant only or to any ~~business or entity~~ corporation in which the applicant has a controlling interest. (P&Z) ~~SUP#2003-0116~~
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) SUP#2003-0116
3. No food, beverages, or other material shall be stored outside. (P&Z) SUP#2003-0116
4. The business shall be permitted to operate for 24 hours daily. (P&Z) SUP#2003-0116
5. Condition deleted. (PC) SUP#2003-0116
6. **CONDITION AMENDED BY STAFF:** Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 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) (P&Z) ~~SUP#2003-0116~~
7. 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) SUP#2003-0116
8. **CONDITION AMENDED BY STAFF:** The applicant is to contact the ~~Crime Prevention~~ Community Relations Unit of the Alexandria Police Department at ~~703-838-4520~~ 703-746-6838 regarding ~~a security survey for the business and a robbery awareness readiness~~ program for all employees. (Police) ~~SUP#2003-0116~~
9. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking and provide employees who use mass transit with

subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) SUP#2003-0116

10. **CONDITION AMENDED BY STAFF:** No seats or tables shall be provided for the use of patrons inside or outside of the store. (Police) (P&Z) SUP#2003-0116
11. **CONDITION AMENDED BY STAFF:** 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 and on how to prevent crime, loitering, noise, and the underage sales of alcohol. (P&Z) (City Council) SUP#2003-0116
12. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (P&Z) SUP#2003-0116
13. 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) SUP#2003-0116
14. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) SUP#2003-0116
15. Lighting shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (P&Z) SUP#2003-0116
16. **CONDITION AMENDED BY STAFF:** 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#2003-0116
17. **CONDITION ADDED BY STAFF:** The applicant shall establish a store employee to work as a liaison with members of the community to resolve concerns that may arise from the operation of the convenience store. The name of the liaison shall be posted inside the store in a conspicuous location and contact information for this individual shall be available upon request. (P&Z)
18. **CONDITION ADDED BY STAFF:** Windows shall provide open views into the tenant space and not be opaque or otherwise obstructed except with minor, low-height, well-

maintained and regularly updated window displays, which shall cover no more than 20% of the window area. (Police) (P&Z)

19. **CONDITION ADDED BY STAFF:** The cash registers shall be positioned such that staff can monitor activity both inside and outside the store. (P&Z)
20. **CONDITION AMENDED BY THE PLANNING COMMISSION: ~~CONDITION ADDED BY STAFF:~~** The public restroom and ATM shall be placed in clear view of and in close proximity to the cashiers **or the restroom exterior and ATM shall be monitored by working closed-circuit security cameras.** (Police) (P&Z) (PC)
21. **CONDITION DELETED BY THE PLANNING COMMISSION: ~~CONDITION ADDED BY STAFF:~~** The applicants shall be required to have a minimum staffing of 2 employees at all times, including the overnight shift. (Police)-(PC)
22. **CONDITION ADDED BY STAFF:** The applicant shall install high quality, closed-circuit television cameras for the security of patrons, employees, and community residents. The installation of such equipment shall be subject to the review and approval of the Director of Planning & Zoning. (P&Z)
23. **CONDITION ADDED BY STAFF:** The applicant shall execute and maintain an up-to date agreement with the Alexandria Police Department (APD) that allows APD to enforce no trespassing and no loitering laws and policies on the property. (P&Z)
24. **CONDITION ADDED BY STAFF:** The applicant shall post signage prohibiting trespassing and loitering and informing the public of the presence of any closed-circuit security cameras used at the site. Such signage shall be subject to the review and approval of the Director of Planning & Zoning. (P&Z)
25. **CONDITION ADDED BY STAFF:** If a pattern of security-related problems develops, the applicant will meet with City staff to resolve such problems. If said problems persist, the Director may docket this Special Use Permit for review by the Planning Commission and City Council, regardless of whether it is a part of an annual review. (P&Z)
26. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (P&Z)
27. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z)

**STAFF:** Alex Dambach, Land Use Division Chief, Planning and Zoning;  
Ann Horowitz, 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:

No comments received

##### Code Enforcement:

F-1 The following comments are for SUP2014-000129. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Charles Cooper, Plan Review Division at Charles.cooper@alexandriava.gov or 703-746-4197.

C-1 Building, trade permits and inspections are required for this proposed expansion of an existing convenience store. Six sets of construction documents that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s).

##### Fire Department:

No comments or concerns

##### Health:

No comments received

##### Parks and Recreation:

No comments received

##### Police Department:

*(The Police Department revised its comments for R-5 and S-3 on March 3, 2015 and the revisions appear in this SUP report as stated below.)*

R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees.

R-2 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:

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.
- R-3 The Police Department requests that the SUP is reviewed after one year to ensure applicant is compliant with Planning and Zoning recommendations and that the 24 hour operation has not caused an increase in nuisance crime.
- R-4 Signs applied to retail storefront windows shall cover no more than 20% of the glass.
- Any exterior decorative banners/flags shall be deducted from the overall permitted sign area. Permanent or temporary advertising banners shall be prohibited.
  - Display cases, storage, carts or other obstructions shall not be designed to be temporarily or permanently located in a location to block the view through the retail windows.
- R-5 If there is a public restroom, it shall be placed near the checkout area in view of the cashiers, or, a fixed recorded camera surveillance system that allows for observation of the bathroom entrances by staff.
- R-6 Seating is not permitted
- S-1 The applicant shall upgrade the security system to a high-quality digital system that retains footage for a minimum of six months. The system should be one in which a perpetrator can be clearly identified. There should also be a camera strategically placed outside of the store that monitors the ingress and egress of the store as it is located in a shopping center and is not a stand-alone store as most are. This same camera should also cover some of the parking area that is closely situated to the store for crime purposes.
- S-2 The register area should be “raised” from the floor to allow the employees to have a clear view of the entire store and to help prevent would-be robbers from jumping over the counter.
- S-3 The Police Department’s recommendation as it refers to the safety of employees operating a 24 hour operation is: The applicants should be required to have a minimum staffing of 2 employees at all times, including the overnight shift to protect the safety of the employees and customers who frequent the business.
- S-4 The height of the isles should be such that the employees are able to see over them and convex mirrors should be used to rid the store of unseen/unmonitored hidden areas.
- S-5 Refrain from business practices that may encourage loitering such as offering free refills of coffee and fountain drinks.

- S-6 A comprehensive security plan for taking out the trash should be implemented in situations when one employee remains inside the store while one is outside disposing of trash (possibly in the rear of the store leaving the back door unlocked and unsecured).



# APPLICATION SPECIAL USE PERMIT

**REVISED**

**SPECIAL USE PERMIT #** 2014-0129

**PROPERTY LOCATION:** 4550 Kenmore Avenue (Parcel Address), 4610 & 4608 Kenmore Avenue (Tenant Address)

**TAX MAP REFERENCE:** 020.04-01-01 **ZONE:** CG

**APPLICANT:**

**Name:** 7-Eleven, Inc. by M. Catharine Puskar, Attorney/Agent

**Address:** Walsh, Colucci, Lubeley & Walsh, P.C.  
2200 Clarendon Blvd., Suite 1300, Arlington, VA 22201

**PROPOSED USE:** Expansion of an existing convenience store

**THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

M. Catharine Puskar, Attorney/Agent

Print Name of Applicant or Agent  
Walsh, Colucci, Lubeley, & Walsh, P.C.

2200 Clarendon Blvd, Suite 1300  
Mailing/Street Address

Arlington, VA 22201

City and State Zip Code

*MCPuskar*

Signature

703-528-4700

Telephone #

cpuskar@thelandlawyers.com

Email address

Revised 2/6/2015

12/22/2014

Date

703-525-3197

Fax #

**ACTION-PLANNING COMMISSION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACTION-CITY COUNCIL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 4550 Kenmore Avenue, I hereby  
 (Property Address)  
 grant the applicant authorization to apply for the convenience store use as  
 (use)  
 described in this application. **SEE ATTACHED CONSENT LETTER**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Please Print  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**1.** Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

**2.** The applicant is the (check one):

Owner

Contract Purchaser

Lessee or

Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Sem-Plaza Limited Partnership (Formerly known as Seminary Plaza LP) (Owner) - See Attached

7-Eleven, Inc. (Lessee) - 100% owned by SEI Japan



December 19, 2014

Mr. Karl W. Moritz  
Acting Director of Planning and Zoning  
City of Alexandria  
301 King Street  
City Hall, Room 2100  
Alexandria, Virginia 22314

Re: Owner's Consent for Special Use Permit  
4610 & 4608 Kenmore Avenue; Tax Map ID: 020.04-01-01 (part) (the "Property")

Dear Mr. Moritz:

As the authorized agent of the owner of the Property, we hereby provide owner's consent to the filing of a special use permit and any related requests for the Property by Walsh, Colucci, Lubeley & Walsh, P.C. on behalf of 7-Eleven, Inc.

If you have any questions regarding any of this information, please contact M. Catharine Puskar or Amy E. Friedlander at Walsh, Colucci, Lubeley & Walsh, P.C.; 2200 Clarendon Boulevard, Suite 1300, Arlington, Virginia 22201.

Very truly yours,

Community Realty Company, Inc., Agent for:

Sem-Plaza Limited Partnership

By:   
Douglas F. Erdman, President



6305 Ivy Lane, Suite 202 · Greenbelt, MD 20770-1496  
p: 301.345.3334 · f: 301.474.0953 · www.communityrealty.com

# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

REVISED

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. 7-Eleven, Inc.	8904 Edmonston Rd. College Park, MD 20740	See attached
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 4550 Kenmore Avenue, Alexandria VA (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Sem-Plaza Limited Partnership (Formerly known as Seminary Plaza LP)	c/o Community Realty Co. 6305 IVY LN UNIT 202 GREENBELT MD 207701465	See attached
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. 7-Eleven Inc - No Relationships SEJ Asset Management & Investment Company Inc. - No Relationships		
2. Seven Eleven Japan Co., Ltd. - No Relationships Seven & I Holding Co. Ltd. - No Relationships		
3. Sem-Plaza Limited Partnership - No Relationships		

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

2/6/15  
Date

M. Catharine Puskar Agent/Attorney

Printed Name

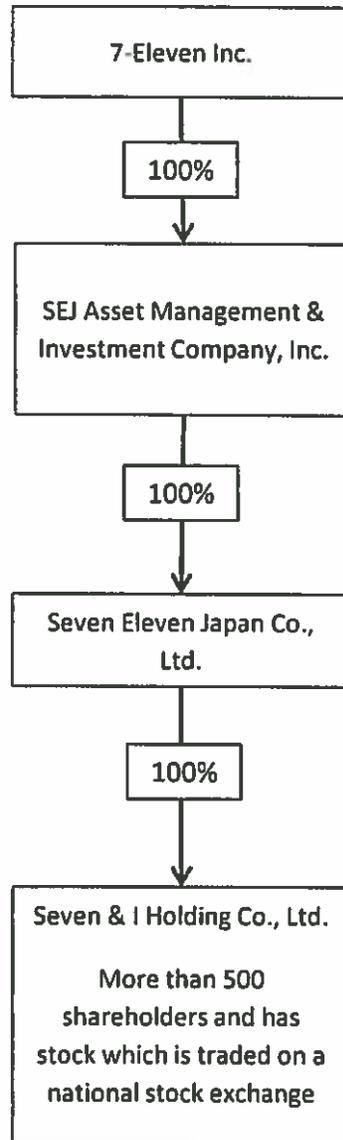
MCPUSKAR  
Signature

Sem-Plaza Limited Partnership  
Partnership Disclosure

Property:	213	Seminary Plaza
	<b>Owner Listing</b>	
SMAL01	ALBERT H. SMALL	12.5000%
GREE111	MONICA LIND DE BRAVO GREENBERG	6.2500%
GREE112	RICHARD N GREENBERG	2.0833%
GREE113	SHERI GREENBERG WADDELL	2.0833%
GREE114	ALECO DE BRAVO GREENBERG	2.0833%
FUNG02	1997 FUNGER FAMILY TRUST	9.3750%
OCHS08	1997 OCHSMAN FAMILY TRUST	12.5000%
JONE39	TRUST C U/W OF EDWARK K. JONES	12.5000%
WEST37	JUANITA H. WEST TRUST	9.3750%
WEST39	MARTIN R. WEST, III	1.5625%
WEST40	MARTIN R. WEST, III FAMILY TRUST	1.5625%
MACK17	CAROLYN KYLES MACKINTOSH	12.5000%
CD-LDB01	CLARENCE DODGE JR. TRUST-LALLA DODGE BRUTOCO	6.3000%
CD-HHD01	CLARENCE DODGE JR. TRUST-HALLEY H. DODGE	3.1000%
CD-CPD01	CLARENCE DODGE JR. TRUST-CLARENCE POWELL DODGE JR.	3.1000%
SFUNG01	THE W. SCOTT FUNGER REVOC TRUST	3.1250%
		100.00%

**REVISED**

**7-Eleven Ownership Disclosure  
February 6, 2015**





REVISED

### 3. Narrative Statement

7-Eleven, Inc. (“The Applicant”) requests approval of a special use permit to expand the existing convenience store located on a portion of the property identified as Tax Map Reference 020.04-01-01 (the “Subject Property”). The parcel is addressed as 4550 Kenmore Avenue, and the Applicant is proposing to expand the 7-Eleven (the “Store”) in the Seminary Plaza shopping center space identified as 4610 Kenmore Avenue to include the space addressed 4608 Kenmore Avenue. The two spaces, 4610 and 4608 Kenmore Avenue, are directly adjacent to each other and when combined will yield approximately 3,712 gross square feet.

The existing 7-Eleven store has been operating in this location in Seminary Plaza since March 1964. The Store has been an integral part of the community since that time and has provided a valuable service to residents and office workers nearby, particularly as currently there are limited shopping options for grocery and convenience items in the area.

All parking at Seminary Plaza is shared among the shopping center tenants. A 3,712 square foot convenience store use requires 1 parking space per 210 square feet for a total of 18 parking spaces. The overall site includes 145 surface parking spaces primarily located to the west of the building, in front of the storefronts, and will be adequate for the required parking for the Store.

The Applicant proposes to expand the Store to fill a currently vacant space previously occupied by Quizno’s, and will complement the other uses within the retail center. The current 7-Eleven has been operating at this location since 1964. As such, it is smaller than other typical stores in the area and the layout and design do not represent the current 7-Eleven model and is in need of an upgrade. With this expansion, the applicant intends to update the interiors to current standards, including modernized lighting, displays, and décor scheme, similar to other recently modernized 7-Eleven stores in Alexandria, including Carlyle, Eisenhower Avenue and Braddock Road. The expansion will allow for the sale more fresh and hot food items (sandwiches, salads, fruits, pizza, wings, hot dogs, etc.); a greatly expanded coffee bar; baked goods selections; snack foods; expanded cold fountain beverage area and some grocery items.

The proposal will allow the expansion of a community serving use in a location convenient for area residents, employees, and visitors. This store will help to enliven the shopping center which is currently lacking an anchor tenant, and to provide much needed convenience options for those living and working nearby. The Applicant looks forward to expanding its current location at Seminary Plaza to better serve its customers and the community.



**USE CHARACTERISTICS**

4. The proposed special use permit request is for (check one):

- a new use requiring a special use permit,
- an expansion or change to an existing use without a special use permit,
- an expansion or change to an existing use with a special use permit,
- other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

Approximately 1350 patrons per day.

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

Approximately 12 employees total, with a maximum of 4 employees per shift

6. Please describe the proposed hours and days of operation of the proposed use:

Day:  
365 days per year

Hours:  
24 hours per day

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

No significant noise anticipated beyond that generated by typical retail business activities.

B. How will the noise be controlled?

No significant noise anticipated.

8. Describe any potential odors emanating from the proposed use and plans to control them:

No significant odors generated by the use.

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9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)  
Typical solid waste from small retail establishment consisting largely of cardboard.

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B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)  
~~Approximately 32 yards of trash and 16 cubic yards of recyclables per week.~~

---

C. How often will trash be collected?  
Once a day.

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D. How will you prevent littering on the property, streets and nearby properties?  
Staff will monitor the property to ensure that property is kept clean and outdoor trash receptacles are emptied. Maintenance of common areas and parking lot is provided by Seminary Plaza

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10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes.                       No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes.  No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?  
Store will have closed-circuit TV and monitored alarm system.

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**ALCOHOL SALES**

13. A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes  No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

Current ABC license for beer and wine sales from 6:00 a.m. to 12:00 a.m.  
(midnight)

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**PARKING AND ACCESS REQUIREMENTS**

14. A. How many parking spaces of each type are provided for the proposed use:

- \_\_\_\_\_ Standard spaces
- \_\_\_\_\_ Compact spaces
- \_\_\_\_\_ Handicapped accessible spaces.
- X \_\_\_\_\_ Other. Parking is shared within shopping center

Planning and Zoning Staff Only Required number of spaces for use per Zoning Ordinance Section 8-200A _____ Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No
---

B. Where is required parking located? (check one)

- on-site
- off-site

If the required parking will be located off-site, where will it be located?

**PLEASE NOTE:** Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

Parking reduction requested; see attached supplemental form N/A

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? Separate loading area provided

Planning and Zoning Staff Only Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____ Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No
--

- B. Where are off-street loading facilities located? Off-street loading area located at rear of store.
- 
- C. During what hours of the day do you expect loading/unloading operations to occur?  
Between 9:00 p.m. and 5:00 a.m.
- 
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
Consolidated deliveries arrive once daily. Other vendors deliver several times per week. Typically, three or four trucks deliver per 24 hour period.
- 
16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access is adequate

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### SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building?  Yes  No
- Do you propose to construct an addition to the building?  Yes  No
- How large will the addition be? \_\_\_\_\_ square feet.

18. What will the total area occupied by the proposed use be?

approx 1,600 sq. ft. (existing) + \*2,112 sq. ft. (addition if any) = 3,712 sq. ft. (total)  
\*Expansion into adjacent tenant space

19. The proposed use is located in: *(check one)*
- a stand alone building
- a house located in a residential zone
- a warehouse
- a shopping center. Please provide name of the center: Seminary Plaza Shopping Center
- an office building. Please provide name of the building: \_\_\_\_\_
- other. Please describe: \_\_\_\_\_

End of Application



STAIR AND MAINTENANCE ROOM

STICLE NO:	AREA
1.	4269.00
2.	22518.00
3.	14700.00
4.	2112.50
5.	1800.00
6.	1600.00
7.	1200.00
8.	3200.00
9. STORE (PART OF BASEMENT)	794.50
<b>TOTAL STORE AREA</b>	<b>49084.00</b>

GROSS GROUND AREA 229,735.00 #  
 FIRST FLR. BUILDING AREA 49,617.60 #\*  
 NET GROUND AREA 180,147.40 #

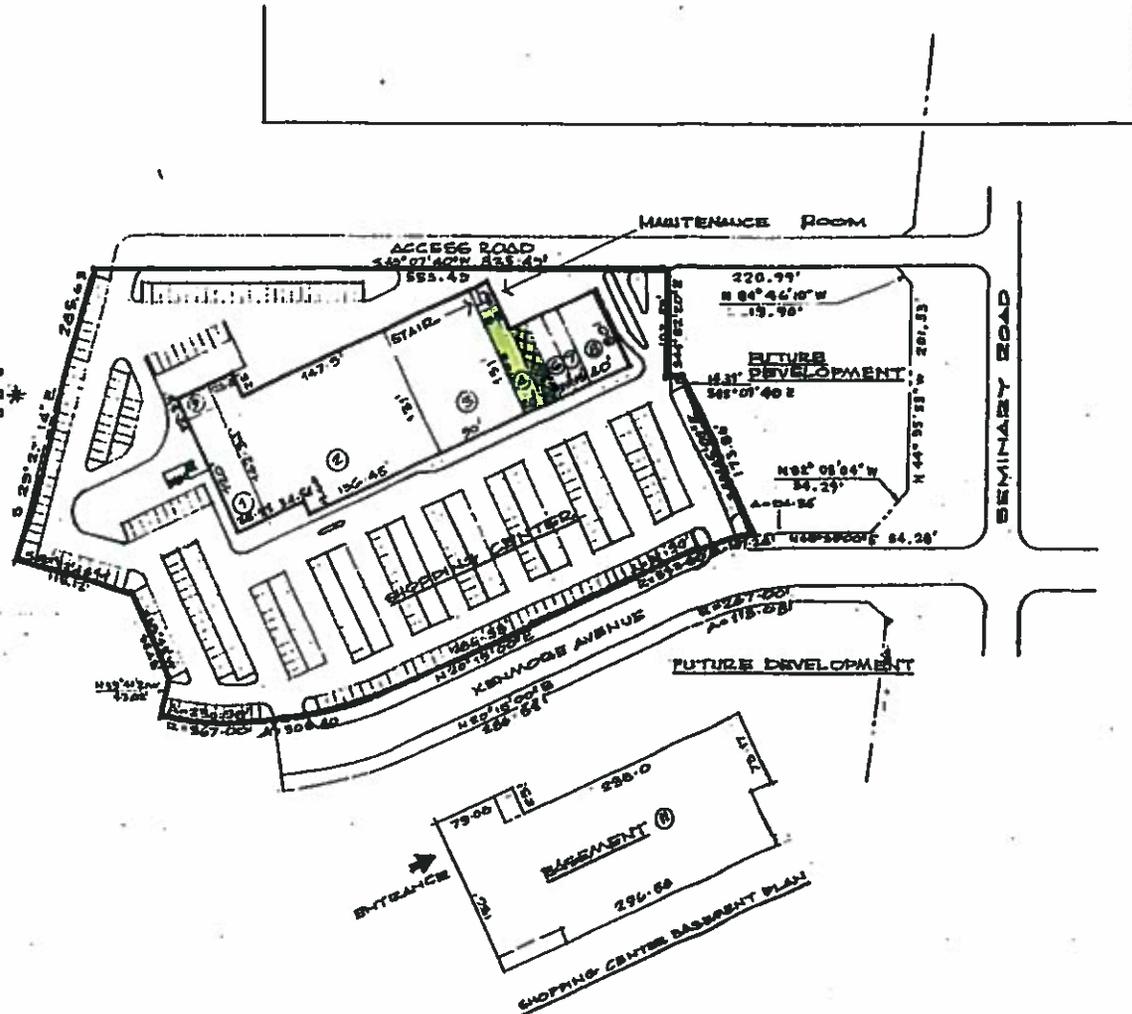
11 - BASEMENT 42,328.06 #

\* INCLUDES 533 # FOR MAINTENANCE ROOM AND STAIR FROM BASEMENT

LESSOR MAY PROVIDE IN ADDITION TO FIRST FLOOR BUILDING AREA SHOWN, LOWER LEVEL SPACE TO BE USED FOR BOWLING, OFFICE OR OTHER PURPOSES.

TENANT AREAS, SIZES & LOCATIONS SHOWN ARE SUBJECT TO CHANGE BROUGHT ABOUT BY LEASE NEGOTIATIONS..

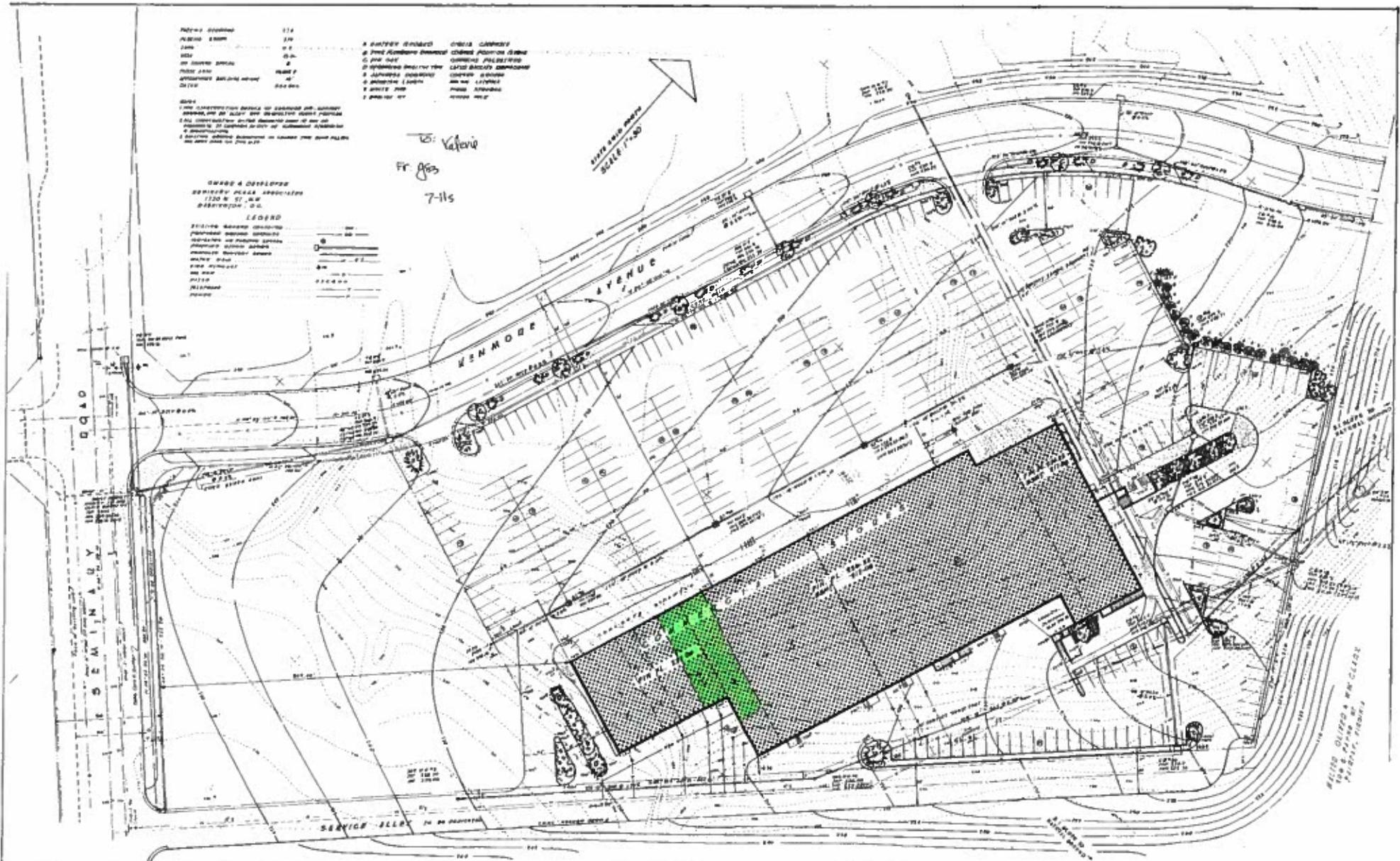
ROADWAY LOCATIONS, PARKING AREAS, ACCESS ROADS & OTHER SITE DETAILS SHOWN ON THIS PLAN ARE NOT EXACT AND ARE SUBJECT TO CHANGE.



SEMINARY PLAZA SHOPPING CENTER

KENMORE AVENUE, NORTH OF SEMINARY ROAD, ALEXANDRIA, VIRGINIA.

#0733  
 21



1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND AGENCIES OF THE CITY OF ALEXANDRIA, VIRGINIA.  
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND AGENCIES OF THE CITY OF ALEXANDRIA, VIRGINIA.  
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND AGENCIES OF THE CITY OF ALEXANDRIA, VIRGINIA.  
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND AGENCIES OF THE CITY OF ALEXANDRIA, VIRGINIA.

**OWNER & DEVELOPER**  
 SEMINARY PLAZA ASSOCIATES  
 1220 N. ST. ASH  
 ALEXANDRIA, VA.

**LEGEND**  
 EXISTING GRADE (DOTTED)  
 PROPOSED GRADE (SOLID)  
 EXISTING PAVING (DOTTED)  
 PROPOSED PAVING (SOLID)  
 EXISTING CURBS (DOTTED)  
 PROPOSED CURBS (SOLID)  
 EXISTING UTILITIES (DOTTED)  
 PROPOSED UTILITIES (SOLID)

15: Vafeni  
 Fr 855  
 7-115

DATE: 11-1-63  
 SCALE: 1/4" = 1'-0"

Planting Plan	PREPARED BY: DESIGN BY: P. LARRY CHECKED BY:	PREPARED BY: <b>HOLLAND ENGINEERING</b> 1140 N. ST. ASH ALEXANDRIA, VIRGINIA <i>Edward A. Holland</i> April 1, 1963	<b>SEMINARY PLAZA Shopping Center</b> ALEXANDRIA, VIRGINIA	SCALE: 1/4" = 1'-0" JOB NO. VA 866-3
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62-006

1/4" = 1'-0"  
 11-1-63

## Ann Horowitz

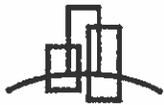
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**From:** Puskar, M. Catharine <cpuskar@thelandlawyers.com>  
**Sent:** Saturday, February 07, 2015 3:24 PM  
**To:** Ann Horowitz; Alex Dambach  
**Cc:** Friedlander, Amy  
**Subject:** Meeting cancellation

Ann and Alex,

After our call on Friday, I discussed it with my client and we are going to remove the 4 seats that seem to be causing so much concern. As such, we do not need a meeting on Friday as all other Police Dept comments should be consistent with what we recently got approved for the 7-11 on Eisenhower Ave. Thanks.

Cathy



**M. Catharine Puskar, Esquire**  
**Walsh Colucci Lubeley & Walsh PC**  
2200 Clarendon Boulevard | Suite 1300 | Arlington, VA 22201  
Phone: (703) 528-4700 | Ext. 5413 | Fax: (703) 525-3197  
[www.TheLandLawyers.com](http://www.TheLandLawyers.com) | [cpuskar@thelandlawyers.com](mailto:cpuskar@thelandlawyers.com) | [professional biography](#)

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

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## Ann Horowitz

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**From:** Friedlander, Amy <afriedlander@thelandlawyers.com>  
**Sent:** Thursday, January 22, 2015 9:27 AM  
**To:** Ann Horowitz  
**Cc:** Puskar, M. Catharine  
**Subject:** RE: Seminary Plaza 7-11 SUP Application Status  
**Attachments:** Glassboro 1.jpg; Glassboro 2.jpg; Glassboro 3.jpg; Glassboro 4.jpg; Glassboro 6.jpg; Glassboro 7.jpg; Glassboro 8.jpg; Glassboro 9.jpg; Glassboro 10.jpg; Glassboro 11.jpg; Glassboro 12.jpg; Glassboro 13.jpg

Good morning Ann,

Below please find the responses to the questions you asked us previously. We will follow up with a revised application shortly as well.

If you have any questions, please do not hesitate to contact me.

Thank you,  
Amy

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Do owners exist for 7-Eleven, Inc. who have 10% or more of a share in the company? If so, please send those to me along with their ownership percentage.

7-Eleven, Inc. is 100% held by SEJ Asset Management & Investment Company, Inc., which is 100% held by Seven Eleven Japan Co., Ltd., which is 100% held by Seven & I Holding Co., Ltd., which has more than 500 shareholders and stock is traded on a national stock exchange.

We will update the application to show this more detailed information.

How many customers are expected – 1000 or 1500? We prefer one number on the application instead of a range. We will update the application to indicate 1350 average customers per day.

What type of security features are used at the store now?

The store currently has an alarm system and a video monitoring system that constantly records the activity of the store, as well as a state-of-the-art safe which cannot be opened by the staff. There are 4 cameras located within the store. The alarm system will be upgraded and the video monitoring system will be upgraded with newer higher resolution cameras and 3 additional cameras. A monitor will be placed near the entrance so that customers will know they are being recorded when they enter the store. The staff is currently trained to leave less than \$50 in the cash drawers at all times and will continue to be instructed to do this after the renovation and expansion. Signs will be prominently posted regarding cash drawer limits.

In addition, the renovated store will have a brighter interior look with additional lighting as well as a wider store front that will allow for more street visibility.

How will the expansion change the store? What will the applicant be able to offer now that it does not currently?

The current 7-Eleven has been operating at this location since 1964. As such, it is smaller than other typical stores in the area and the layout and design do not represent the current 7-Eleven model and is in need of an upgrade. With this expansion, the applicant intends to update the interiors to current standards, including modernized lighting, displays, and décor scheme, similar to other recent renovations in Alexandria, including Carlyle, Eisenhower Avenue and Braddock Road.

The expansion will allow for the sale more fresh and hot food items (sandwiches, salads, fruits, pizza, wings, hot dogs, etc.); a greatly expanded coffee bar; baked goods selections; snack foods; expanded cold fountain beverage area and some grocery items.

We have included some pictures of another new 7-Eleven store in the area which are indicative of the planned build-out and offerings for this location.

What is the height of the shelves that are shown on the floor plan?"  
The gondolas are five feet tall.



Amy E. Friedlander  
Walsh Colucci Lubeley & Walsh PC  
2200 Clarendon Boulevard | Suite 1300 | Arlington, VA 22201  
Phone: (703) 528-4700 | Ext. 5463 | Fax: (703) 525-3197  
[www.TheLandLawyers.com](http://www.TheLandLawyers.com)

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**From:** Ann Horowitz [mailto:[ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)]  
**Sent:** Tuesday, January 13, 2015 6:17 PM  
**To:** Friedlander, Amy  
**Subject:** RE: Seminary Plaza 7-11 SUP Application Status

Hi Amy,

Good to hear from you.

For this SUP application, could you provide some additional details?

- Do owners exist for 7-Eleven, Inc. who have 10% or more of a share in the company? If so, please send those to me along with their ownership percentage.
- How many customers are expected – 1000 or 1500? We prefer one number on the application instead of a range.
- What type of security features are used at the store now?
- How will the expansion change the store? What will the applicant be able to offer now that it does not currently?

I will follow up with a call to you tomorrow.

Thank you.

Ann

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**From:** Friedlander, Amy [mailto:[afriedlander@thelandlawyers.com](mailto:afriedlander@thelandlawyers.com)]  
**Sent:** Monday, January 12, 2015 5:31 PM  
**To:** Nathan Randall  
**Cc:** Puskar, M. Catharine; Ann Horowitz  
**Subject:** RE: Seminary Plaza 7-11 SUP Application Status

Thank you Nathan. Ann, I look forward to hearing from you and working with you on this application.

## Ann Horowitz

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**From:** Nathan Randall  
**Sent:** Friday, January 23, 2015 5:09 PM  
**To:** Ann Horowitz  
**Subject:** FW: 7-11 stats

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**From:** Charles Lloyd  
**Sent:** Thursday, January 22, 2015 11:22 PM  
**To:** Nathan Randall  
**Subject:** 7-11 stats

*Jan 1, 2014 - Jan 22, 2015*

Here are the numbers for the City's 7-11...these are calls for service, raw number to include non-reportable offenses...

Location	Number of Calls for Service
250 S. Whiting Street	157
2 S. Jordan	96
3412 Mt. Vernon	68
30 S. Reynolds	61
800 Franklin Street	41
4610 Kenmore	41
3023 Duke Street	40
1025 W. Glebe	26
504 John Carlyle	20
2108 Mt. Vernon	19
1667 N. Quaker Lane	16
411 E. Braddock	8

*Officer Charles W. Lloyd 999*

Officer Charles W. Lloyd, III  
Alexandria Police Department  
Crime Prevention Unit  
3600 Wheeler Avenue  
Alexandria, VA 22304  
Office- 703.746.6838  
Cell- 703.930.2965







Docket Item #8  
SPECIAL USE PERMIT #2003-0116

Planning Commission Meeting  
April 6, 2004

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

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

**LOCATION:** 4610 Kenmore Avenue

**ZONE:** CG/Commercial General

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**CITY COUNCIL ACTION, APRIL 17, 2004:** City Council approved the Planning Commission recommendation, with the addition to condition #11 that there be on-going employee training for sales of alcohol to minors.

**PLANNING COMMISSION ACTION, APRIL 6, 2004:** On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to delete condition #5. The motion carried on a vote of 6 to 1, with Ms. Fossum voting against.

**Reason:** The Planning Commission agreed with the staff analysis. As to the issue of allowing the sale of single beers, as requested by the applicant, a majority of the Commission expressed a strong desire to be consistent by applying the condition across the City.

**Speakers:**

Maynard Sipe, the applicant's attorney, spoke in support of the application. He requested that condition #5 regarding posting the hours of operation be removed because the operation is open 24 hours. Mr. Sipe also requested that the applicant be allowed to continue selling single beers in there have been no complaints related to single sales at this location.

**PLANNING COMMISSION ACTION, MARCH 2, 2004:** By unanimous consent, the Planning Commission deferred the request.

**Reason:** The applicant requested the deferral.

**PLANNING COMMISSION ACTION, FEBRUARY 3, 2004:** By unanimous consent, the Planning Commission deferred the request.

Reason: The applicant requested the deferral.

**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.

PREVIOUSLY  
APPROVED  
STAFF 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 4610 Kenmore Avenue in the Seminary Plaza Shopping Center.

SITE DESCRIPTION

The subject property is one lot of record on Kenmore Avenue at North Van Dorn Street, with a total lot area of almost six acres. The site is developed with the one-story Seminary Plaza Shopping Center. The subject tenant space is approximately 1,600 square feet and is located toward the center of the building.

SURROUNDING USES

The 7-Eleven store is adjacent to a pizza and sub restaurant and a vacant tenant space. A grocery store and CVS pharmacy are also located in the center. The area surrounding the shopping center is a mix of office and commercial uses, with residential uses in the near proximity.

PROJECT DESCRIPTION

The applicant proposes to continue operating the nonconforming 7-Eleven convenience store. The applicant is the lessee of the property, and has operated the existing convenience store on the property since March 1964. 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 following information discusses the proposed continued operation:

Hours: The store is open 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.

Landscaping: The store is located in a shopping center with minimal landscaping. Common areas are maintained by the owner, Seminary Plaza, LC.

Sign: The sign is not a typical 7-Eleven sign, but includes white lettering consistent with the other tenant spaces of the center (see attached photo).

Parking: The original Site Plan#62-006 approved parking for commercial uses at this building, and additional parking is not required.

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 several times per week. Store employees perform a minimum of two litter walks per day to pick up litter around the store. Seminary Plaza provides groundskeeping of the common areas. There are two trash cans to control litter located in the area at the front of the business.

ZONING

The subject property is located in the CG/Commercial general zone. Section 4-403 (G) of the Zoning Ordinance allows a convenience store in the CG zone only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Seminary Hill/Strawberry Hill small area plan chapter of the Master Plan which designates the property for uses compatible to the CG zoning.

**II. STAFF ANALYSIS:**

Staff does not object to the continued use of the 7-Eleven located at 4610 Kenmore Avenue. Because the store is located in a shopping center, many of the impacts normally associated with convenience stores can be better controlled, including that there is adequate parking, ample area for vehicular circulation to accommodate delivery and trash trucks, building staff to monitor maintenance and upkeep issues at the property, and that the store is not located in the immediate proximity of residential uses reducing the potential for negative impacts caused from this store. Staff did not observe any problems with litter or other maintenance problems on the premises. The 7-Eleven sign is subtle and consistent with the other tenants in the building. Finally, the business provides a valuable convenience retail service to the community.

In regard to alcohol sales, staff recommends the standard condition prohibiting single sales. The applicant discussed with staff the possibility of not including the condition because there does not appear to be any major issues with alcohol sales at this location. Although staff is not aware of specific problems caused from single sales at this location, 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.

Staff recommends a number of other conditions similar to those already approved for the previous 7-Eleven cases.

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 business shall be permitted to operate for 24 hours daily. (P&Z)
5. Condition deleted. (PC)
6. 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)
7. 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)
8. 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)
9. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
10. No seats or tables shall be provided for the use of patrons. (P&Z)

11. 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) (City Council)
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 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)
14. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
15. Lighting shall be to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (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;  
Barbara Ross, 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 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.

Code Enforcement:

- F-1 No comments.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility is currently operating as 7-11 under Alexandria Health Dept. Permit, issued to The Southland Corporation.
- C-3 This facility and all the modifications must meet current Alexandria Code requirements for food establishments.
- C-4 Five sets of plans must be submitted to and approved by this department prior to the 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-5 Permits and/or approval must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms, including the common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-9 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 and “ABC Off” license is approved we recommend the following conditions:
  - 1. Beer and wine coolers be sold only in 4-packs, 6-packs or bottles more than 40 fluid ounces. Wine may be sold in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with a 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 be minimum of 2.0 foot candles minimum maintained.
- F-1 The shrubbery is not an issue at this location as the store is in a shopping center.



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**WALSH COLUCCI  
LUBELEY & WALSH PC**  
March 3, 2015

Planning Commission  
City of Alexandria  
301 King Street, Room 2100  
Alexandria, VA 22314

**Re: Docket Item #9 7-Eleven at 4550 Kenmore Ave.  
Special Use Permit 2014-0129 (the "Application")  
Vertical Construction Management (the "Applicant")**

Dear Members of the Planning Commission:

The Applicant requests the following revisions to conditions number 20 and 21:

20. "The public restroom and ATM shall be placed in clear view of and in close proximity to the cashiers or the bathroom's exterior and ATM shall be monitored by working closed-circuit security cameras."
21. "~~The applicants shall be required to have a minimum staffing of 2 employees at all times, including the overnight shift.~~"

I have discussed these items with the Police Chief and he has agreed to the requested revisions. Thank you for your thoughtful consideration of this matter.

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

M. Catharine Puskar

cc: Earl Cook  
Charles Lloyd  
Karl Moritz  
Alex Dambach  
Ann Horowitz

ATTORNEYS AT LAW

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**From:** Charlette Mitchell  
**Sent:** Tuesday, March 03, 2015 2:11 PM  
**To:** Alex Dambach  
**Cc:** Ann Horowitz; Karl Moritz; Charles Lloyd; Len Fouch  
**Subject:** Kenmore 7/11

Alex,

Please see the attached revised recommendations from the Police Department based on a conversation with the applicant (attorney).

Please note that changes are in section R7 & R8 and are recommended to be modified in the Planning Staff's Corresponding Recommended Conditions.

Thank you,

*Sergeant Charlette Mitchell*

Chief's Aide

Alexandria Police Department

Office of the Chief of Police

3600 Wheeler Avenue

Alexandria, Virginia 22304

703.746.6634 (Desk)

703.746.1945 (Fax)

4610 & 4608 Kenmore Avenue / 7-11  
DSUP # 2014-0129  
Charles Lloyd, Alexandria Police Dept.  
March 3, 2015

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees.
- R-2 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:
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.
- R-4 The Police Department requests that the SUP is reviewed after one year to ensure applicant is compliant with Planning and Zoning recommendations and that the 24 hour operation has not caused an increase in nuisance crime.
- R-5 Signs applied to retail storefront windows shall cover no more than 20% of the glass.
- Any exterior decorative banners/flags shall be deducted from the overall permitted sign area. Permanent or temporary advertising banners shall be prohibited.
  - Display cases, storage, carts or other obstructions shall not be designed to be temporarily or permanently located in a location to block the view through the retail windows.
- R-6 The register area should be “raised” from the floor to allow the employees to have a clear view of the entire store and to help prevent would-be robbers from jumping over the counter.
- R-7 If there is a public restroom, it shall be placed near the checkout area in view of the cashiers, or, a fixed recorded camera surveillance system that allows for observation of the bathroom entrances by staff.

- R-8 The role of the Police Department in regards to commenting on SUPs is to recommend crime prevention initiatives to be enacted in an effort to reduce crime or to deter crime from occurring by establishing preventive measures during the beginning phases of a project. These recommendations address quality of life issues by attempting to deter criminal activity, increase overall safety for citizens, and reduce citizen fear of crime. It is the role of Planning & Zoning to review the Police Department's recommendations and then determine whether they will become a "Condition" of the SUP.

The Police Department's recommendation as it refers to the safety of Southland employees operating a 24 hour operation is:

"The applicants should be required to have a minimum staffing of 2 employees at all times, including the overnight shift to protect the safety of the employees and customers who frequent the business."

- R-9 The height of the isles should be such that the employees are able to see over them and convex mirrors should be used to rid the store of unseen/unmonitored hidden areas