

**STATEMENT**  
**Conditional Use Permit Application**  
**7-Eleven, Inc.**  
February 12, 2016

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**I. INTRODUCTION**

7-Eleven, Inc., the property owner and applicant (the “Applicant”) is requesting a conditional use permit for a convenience store with fuel sales use on an approximately .9 acre parcel that is zoned C-2, Mixed Use Business Center (“C-2”). The parcel that is subject to this conditional use permit is located at 1 East Broad Way in the Town of Lovettsville, Virginia and identified as Loudoun County Tax Map and Parcel Number 9A310-2 (MCPI #069-10-9147) (the “Property”). The Property is located at the northeast corner of North Church Street and East Broad Way (Rt. 673). To the east is a United States Post Office on property that is also zoned C-2. To the west is the former United States Post Office building that is occupied by a medical office on property that is zoned C-1, Community Commercial (“C-1”), and to the south is a bank with drive through on property that is also zoned C-1. To the north is Keister Lane, a private access driveway/trail for the New Town Meadow community on an open space parcel that is zoned R-3, Residential District. The Town Square is located to the northwest of the Property (see attached Google Aerial photograph, Exhibit A).

**II. BACKGROUND AND EXISTING CONDITIONS**

The existing 7-Eleven convenience store building of approximately 2,243 square feet was constructed in 1979, as a High’s Dairy Store. 7-Eleven has been operating their convenience store in this building since December 22, 1986, serving the grocery and convenience needs of the residents of Lovettsville and the surrounding community (see Photograph, Exhibit B(1)). In 2013, the store hours were increased to be open 24 hours a day, seven days a week to further meet customers’ needs<sup>1</sup>. 7-Eleven provides free coffee to the uniformed Sheriff Officers and Fire and Rescue employees and has been an active participant in Lovettsville events such as “Light Up Lovettsville”, a holiday decorating and lighting contest and Oktoberfest over the years.

Vehicular access to the 7-Eleven convenience store is from a single entrance on East Broad Way through a small asphalt parking lot that accommodates approximately 10 vehicles, with no designated loading space for delivery of merchandise. The southern portion of the Property is not improved and has little to no vegetation other than grass (see attached Google Maps photograph, Exhibit B(2)).

7-Eleven, Inc. purchased the Property in September of 2015, participated in Oktoberfest and held a community meeting on November 16, 2015, to discuss the proposed layout and design of the new convenience store and fuel canopy with Lovettsville residents and the surrounding

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<sup>1</sup> Conditional Use Permit LVCU 2013-0003, was approved by the Lovettsville Town Council on August 8, 2013, to allow the 7-Eleven Convenience Store located on the Property to increase its hours of operation to operate twenty-four hours a day, and seven days a week, subject to a condition (see attached Ordinance 2013-08-001, Exhibit C).

community. Since that time, 7-Eleven has had several meetings with Town staff and the Mayor to determine the most appropriate layout.

### **III. PROPOSAL**

7-Eleven, Inc. is requesting approval of a Conditional Use Permit for a convenience store with fuel sales pursuant to Section 42-259(c) of the Zoning Ordinance of the Town of Lovettsville, Virginia (the "Zoning Ordinance"). 7-Eleven is proposing to construct a new and larger convenience store of approximately 3,000 square feet, a fuel canopy with four (4) multi-purpose fuel dispensers with eight (8) fueling positions and will continue to operate 24 hours a day, seven days a week.

The proposed 7-Eleven convenience store will have a larger 2,400 square foot sales area (existing store has 2,100 square feet) with an expanded line of merchandise that is tailored to the existing customer needs. 7-Eleven focuses on meeting the needs of their convenience-oriented customers by providing a broad selection of fresh, high-quality products and services at everyday fair prices, speedy transaction and a clean, friendly shopping environment. With the additional space, 7-Eleven will also be able to provide prepared-fresh-daily and daily delivered deli sandwiches, wraps, breakfast sandwiches and a wide assortment of fruits, salads and baked goods. Men and Women restrooms will be provided in the new store as an additional customer convenience that is not currently provided in the existing store.

#### **Layout, Design and Architecture**

As shown on Sheet 4 of the enclosed Conditional Use Permit plans (the "Plans"), prepared by Paciulli Simmons & Associates, the proposed convenience store has a pentagonal footprint ("home plate") and is proposed to be located in the northeast corner of the Property to allow for vehicles to circulate around the fuel canopy and in front of the store. Another entrance onto North Church Street is proposed providing additional access to the Property which will accommodate large making deliveries. The shortest side of the fuel canopy facing East Broad Way will minimize the view from the Town Square. A gable end feature of the store will be the prominent architectural feature viewed from the Town Square. Landscaping will enhance the Property and provide attractive screening of the parking areas, street trees along both East Broad Way and North Church Streets will create attractive streetscapes for pedestrians and vehicles.

Due to the proximity of the Town Square, and the Town Center Commercial Core, the proposed new convenience store is complimentary to the Germanic heritage of Lovettsville and the architecture of the commercial building that is currently under construction on property fronting on Berlin Pike between West Broad Way and Town Center Drive. As shown on the attached elevations, prepared by Perry M. Petrillo Architects, PC (attached as Exhibit D), each elevation is fully designed incorporating decorative timbers, a mansard parapet roof with a shed dormer and backlit windows, a Gable-end section with cross timbering, backlit windows, and faux windows at the ground level with awnings. Stacked stone veneer is featured on each elevation at the ground level up to the precast stone belt course. The proposed materials and colors match the Town Center Commercial Core building that is currently under construction.

The fuel canopy has been designed to minimize the visual impacts with a simple flat roof, supported by four square posts that have stacked stone veneer at each base with precast stone sills to match the convenience store building. Also shown on the elevations, the dumpster enclosures have been designed to match the store.

### **Alternative Landscape Buffer Request**

The Applicant is also requesting an alternative landscape buffer, pursuant to Zoning Ordinance Section 42.369 along the northern property line adjacent the New Town Meadows Homeowners Association open space parcel as noted on Sheet 4 of the Plans. Zoning Ordinance Section 42-364, requires a Type C Buffer for the proposed retail use adjacent to single-family detached use; however, the New Town Meadow parcel is an open space parcel will not be developed. As shown on Sheet 4 of the Plans, the Applicant is requesting approval of an alternative variable width (12-feet to 35-feet) Type C Buffer with the required landscaping that has been calculated based upon the square footage of the proposed alternative buffer.

### **Sign Modification Requests**

Proposed signage is shown on the enclosed elevations (see Exhibit D); modifications pursuant to Zoning Ordinance Section 42-408(b)(2) are being requested due to the proposed use not being adequately addressed in the Zoning Ordinance. A modification of Zoning Ordinance Section 42-4-5(b)(1) is also requested to allow a maximum of eight signs, consisting of Wall, Monument and Canopy signage. Additional detailed information on specific signs will be submitted under separate cover.

## **IV. COMPREHENSIVE PLAN**

The proposed Conditional Use Permit is in conformance with goals and policies of the Town of Lovettsville Comprehensive Plan 2011, adopted February 24, 2011 (the "Comprehensive Plan"), by promoting economic development, complimentary design and architecture with the commercial buildings currently under construction in the Town Center Commercial Core; and also compatible in scale, intensity and use with the existing development in the Lovettsville.

More specifically, the proposed Conditional Use Permit is in conformance with Land Use Policies 6, 7, 8, 17 and 18<sup>2</sup> by providing on-site pedestrian access connecting to the public sidewalks, providing bicycle racks for bicyclists, redevelopment of the Property with new and attractive landscaping providing visual buffers and beautification of a site previously devoid of landscaping.

The redevelopment of the Property will promote the economic development goals of the Comprehensive Plan<sup>2</sup> by increasing the commercial tax base of Lovettsville. It is anticipated that the proposed 7-Eleven will generate approximately \$17,964.00 in 2017 (based upon 2016 rates,

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<sup>2</sup> Town of Lovettsville 2011 Comprehensive 2011, Pages 33, 44-45

including real estate, meals and business license taxes, exclusive of fuel sales taxes). This estimate represents a 42% increase from 2015.

## **V. TRANSPORTATION**

According to the “Traffic Impact Study 7-Eleven Lovettsville Town of Lovettsville, VA” dated February 4, 2016, and prepared by Gorove/Slade, under the future development conditions, all of the study intersections will continue to operate at acceptable levels of service during the weekday AM and PM peak hours and no traffic mitigation measures are required to accommodate development of the proposed 7-Eleven.

## **VI. SUMMARY**

The proposed Conditional Use Permit is in conformance with the goals and policies of the Town of Lovettsville Comprehensive Plan. Redevelopment of the Property will result in a 42% increase in the commercial tax base of Lovettsville.

For all of these reasons, the Applicant respectfully requests a recommendation of approval from Staff and the Planning Commission and approval by the Lovettsville Town Council of the proposed Conditional Use Permit application.





Exhibit B(1)

Google Maps 4 State Rte 673



Image capture: Sep 2013 © 2016 Google

Lovettsville, Virginia

Street View - Sep 2013

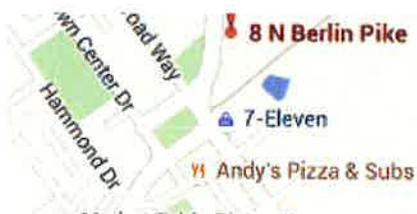


Exhibit B(2)

# Town of Lovettsville

**Ordinance 2013-08-001: APPROVING CONDITIONAL USE PERMIT LVCU 2013-0003  
TO ALLOW EXPANDED HOURS FOR THE 7-ELEVEN  
CONVENIENCE STORE**

**MOTION:** Senate

**SECOND:** McIntyre

**WHEREAS**, Sidhudhindsa Inc., filed an application for a conditional use permit to allow the 7-Eleven Convenience Store located at 1 East Broad Way to increase its hours of operation so that could operate twenty-four hours a day, seven days a week; and

**WHEREAS**, following a public hearing on said application by the Planning Commission on July 17, 2013, pursuant to notice as required by Va. Code Section 15.2-2204, the Planning Commission forwarded its recommendations for approving said application, subject to certain conditions; and

**WHEREAS**, the Town Council has concluded that approval of a Conditional Use Permit in accordance with the condition set forth below is consistent with the health, safety and welfare of the citizens of the Town and comports with good zoning practice.

**NOW, THEREFORE, BE IT ORDAINED** by the Lovettsville Town Council that the Conditional Use Permit No. LVCU 2013-0003, for increasing the hours of operation for the 7-Eleven Convenience Store located at 1 East Broad Way (property identification 369-10-9147), be approved in accordance with Section 3-11 (d) of the Lovettsville Zoning Ordinance, subject to the following condition:

*The Conditional Use Permit will be reviewed administratively each year. If violations to the Zoning Ordinance are found, the Zoning Administrator will bring the permit back to the Planning Commission for their full review.*

**VOTE:**

**Ayes:** Allar, Burden, Carder, Gray, McIntyre, and Senate

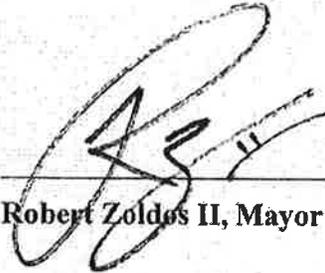
**Nays:** None

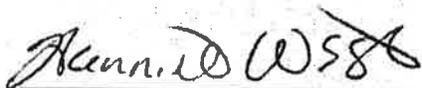
**Abstentions:** None

**Absent for Vote:** None

**APPROVED:** August 8, 2013

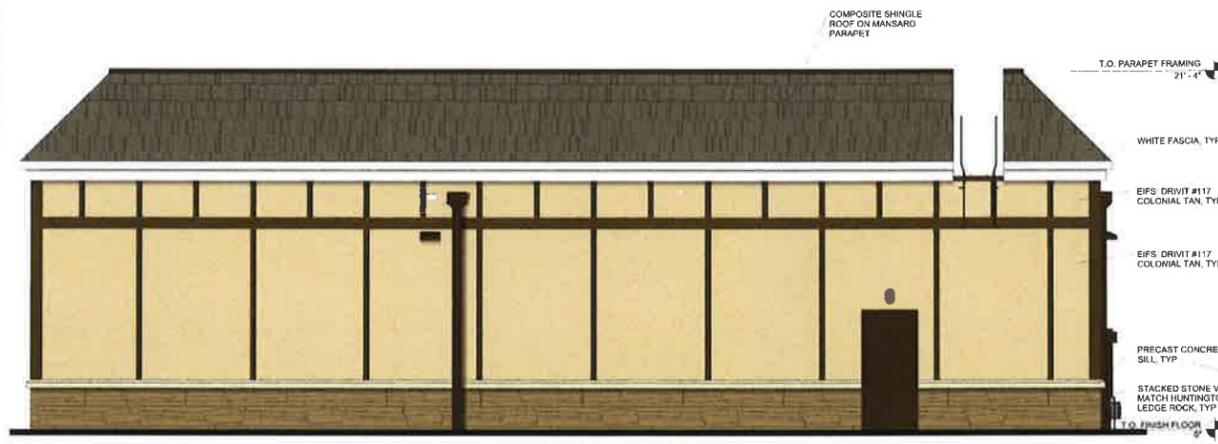
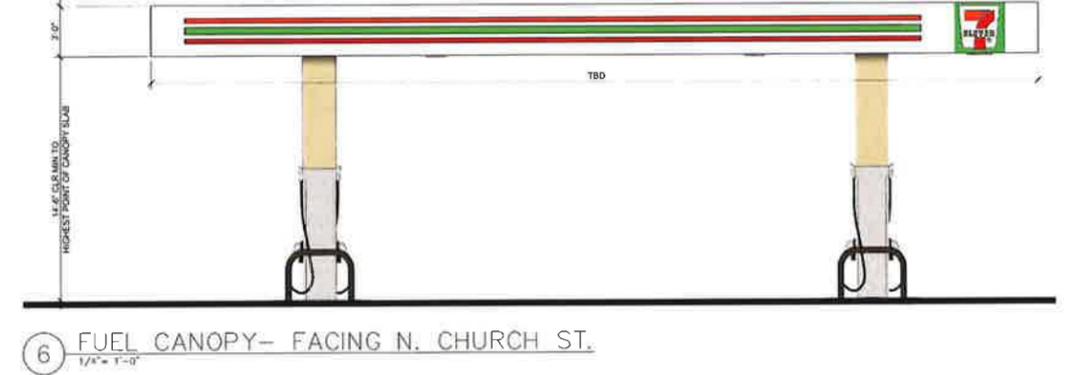
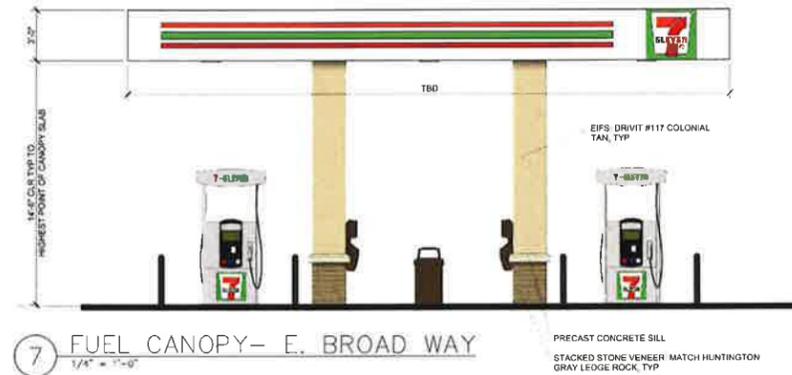
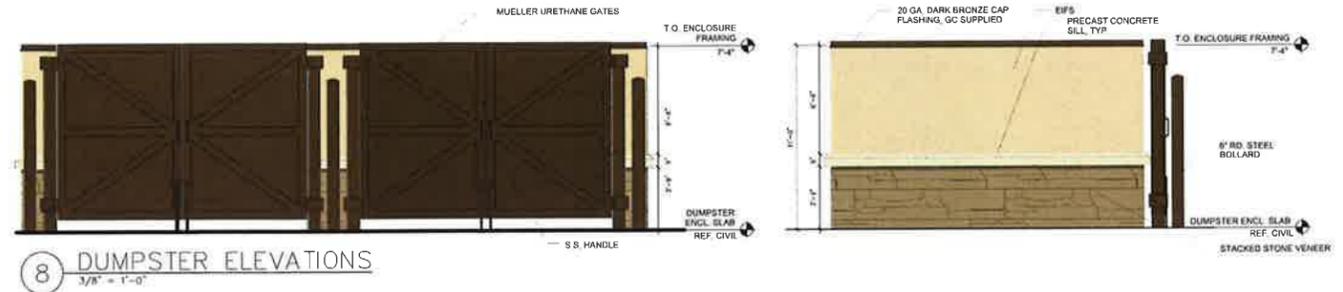
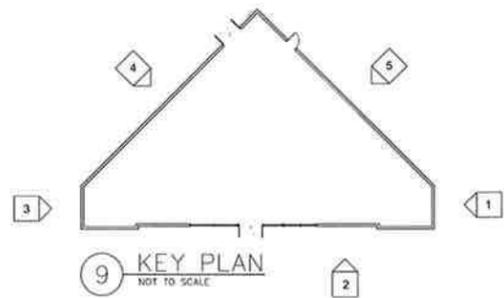
**CERTIFIED:**

  
Robert Zoldos II, Mayor



Harriet West, Town Clerk

*The German Settlement*



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7-ELEVEN, INC.  
ONE ARTS PLAZA, 1722 ROUTH STREET, DALLAS, TEXAS 75221  
PROPOSED 7-11 #28400  
1 EAST BROADWAY  
LOVETTSVILLE, VA 20180



ISSUE BLOCK

NO.	DATE	DESCRIPTION

STORE NUMBER	28400
FILE NAME	RBE-1
DRAWN BY	CB
DOCUMENT DATE	012016

FOR REVIEW/REFERENCE ONLY  
NOT FOR CONSTRUCTION

PC: [unclear]  
SEAL: [unclear]  
DATE: [unclear]

SHEET 11