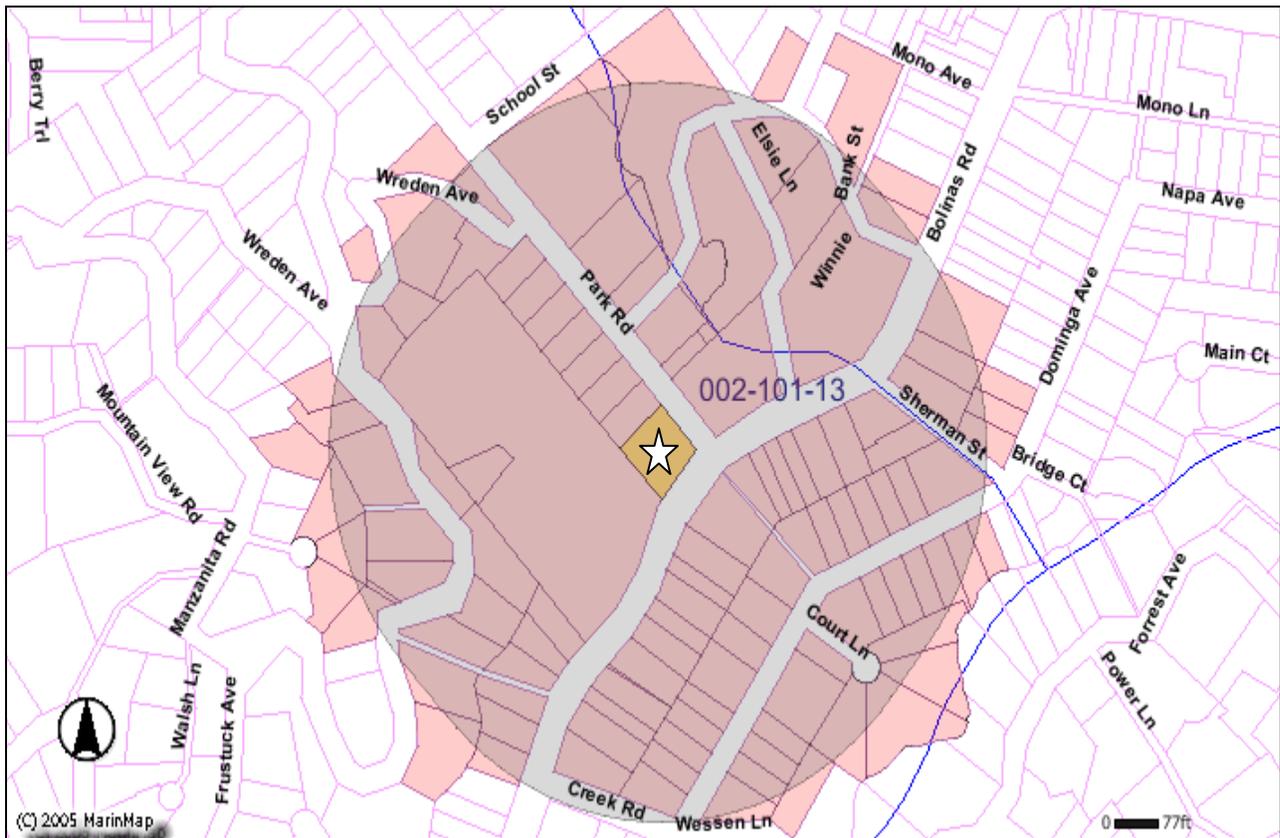


**TOWN OF FAIRFAX
STAFF REPORT
Department of Planning and Building Services**

TO: Fairfax Planning Commission
DATE: November 17, 2011
FROM: Jim Moore, Director of Planning and Building Services
Linda Neal, Senior Planner
LOCATION: 150 Bolinas Road; Assessor's Parcel No. 002-101-13
PROJECT: Changing 7-11's hours to remain open 24 hours per day
ACTION: Use Permit Review; Application # 79-UP-33
APPLICANT: Rajiv Uppal
OWNER: Richard N. Matthews Trust
CEQA STATUS: Categorically exempt, § 15301



150 BOLINAS ROAD

BACKGROUND

On My 19, 2011 the Commission approve a modification of 7-11's Use Permit to allow the business to be open twenty (24) hours subject to the following conditions:

1. The Use Permit for the extended hours shall be reviewed at the November 17, 2011 Commission meeting. Information provided will include a report from the Fairfax Police Department documenting any incidents related to the operation of 7-11.
2. No alcohol shall be sold after midnight.
3. Deliveries shall occur during the day.
4. Some type of native water conserving landscaping treatment shall be installed and be maintained in the planter at the southeast corner of the parking lot. The applicant shall provide a landscaping bond to the Town or evidence that they have entered into a contract with a landscaping company for at least one year until the landscape material becomes established.
5. The landscaping at the corner shall be maintained at a height not to exceed 36 inches to ensure that visibility at the corner of Park Road and Bolinas Road is not obstructed.
6. The parking spaces immediately adjacent to 9 Park Road shall be chained off at 9 PM.
7. The side of the parking lot not visible to the employees shall be monitored by camera.
8. The applicant shall continue to comply with all the requirements of the Fairfax Fire Code.

DISCUSSION

No Town Hall Departments have received any complaint relating to 7-11 being open twenty-four (24) hours a day.

The Fairfax Police Department searched their records since May 19th, 2011 and only two complaints have been received relating to 7-11 since the store started staying open all night on June 1, 2011. Both were related to noise (Exhibit A).

Please note that staff spoke with Chris Morin, Chief of Police on November 10, 2011 and he confirmed that he had received no additional complaints.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Move to grant final approval of a modification of Use Permit No. 79-UP-33 subject to the following conditions of approval:

Recommended Conditions

1. No alcohol shall be sold after midnight.
2. Deliveries shall occur during the day.
3. The applicant shall continue their contract with a landscaping company for at least one year until the landscape material becomes established.
4. The landscaping at the corner shall be maintained at a height not to exceed 36 inches to ensure that visibility at the corner of Park Road and Bolinas Road is not obstructed.
5. The parking spaces immediately adjacent to 9 Park Road shall be chained off at 9 PM.
6. The side of the parking lot not visible to the employees shall be monitored by camera.
7. The applicant shall continue to comply with all the requirements of the Fairfax Fire Code.

ATTACHMENTS

Exhibit A – Fairfax Chief of Police e-mail

Exhibit B - Minutes from the 4/21/11 and 5/19/11 Planning Commission meetings