

EXHIBIT NO. 1

7
9-15-01

Docket Item #8
SPECIAL USE PERMIT #2001-0058

Planning Commission Meeting
September 4, 2001

ISSUE: Consideration of a special use permit review for a restaurant.

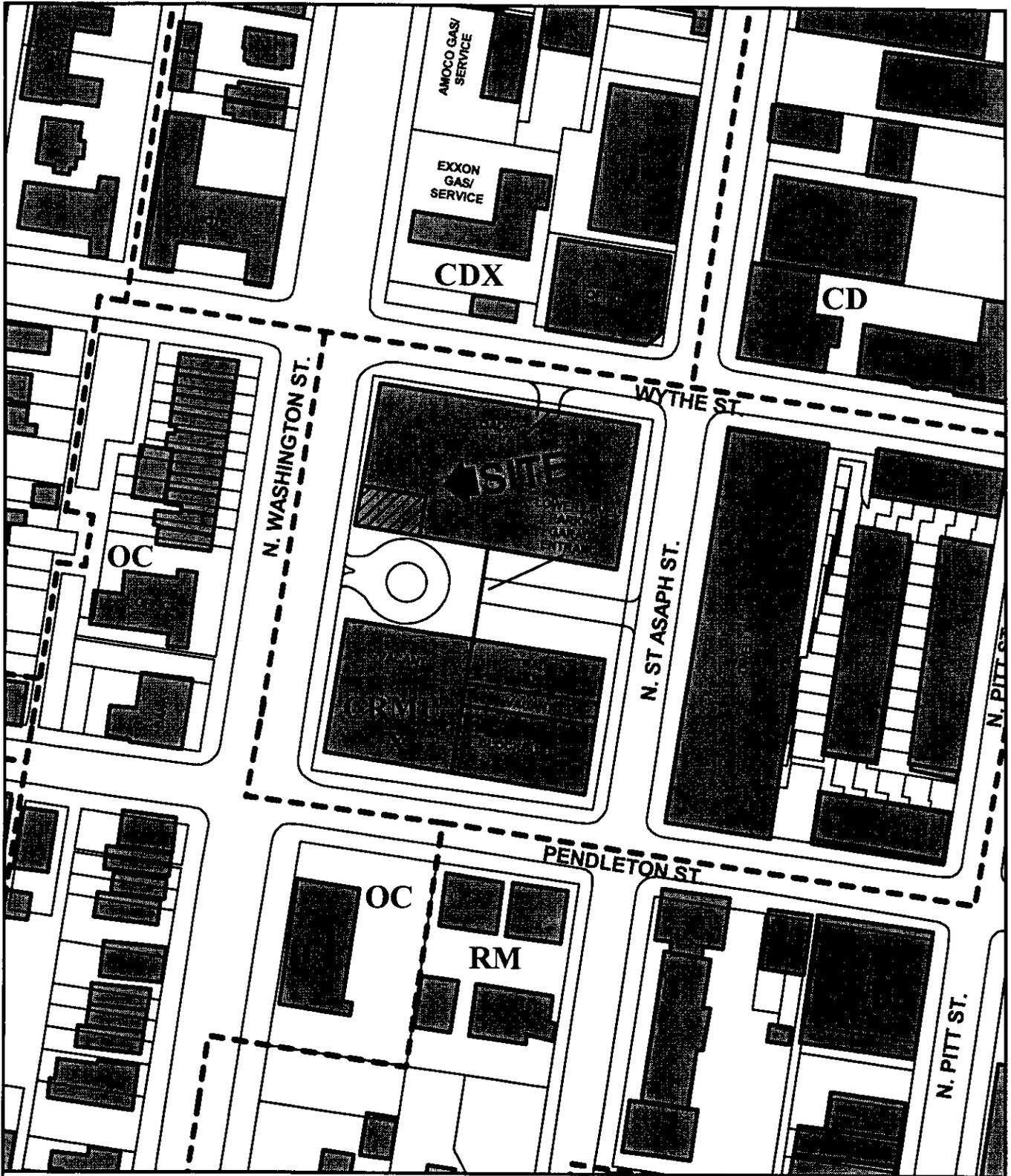
APPLICANT: Starbucks Coffee Company
by M. Catharine Puskar, attorney

LOCATION: 683 North Washington Street

ZONE: CRMU-X/Commercial Residential Mixed Use (Old Town North)

PLANNING COMMISSION ACTION, SEPTEMBER 4, 2001: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



SUP #2001-0058

09/04/01



STAFF RECOMMENDATION:

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 #2000-0038)
2. Seating shall be provided inside the restaurant for no more than 16 patrons. (P&Z) (SUP #2000-0038)
3. Outside dining facilities for a maximum of ten persons may be located only within the courtyard between the buildings. This seating shall not encroach on the public right-of-way. (P&Z) (SUP #2000-0038)
4. The hours of operation shall be limited from 5:30 a.m. to 10:00 p.m. Monday through Thursday, 5:30 a.m. to 11:00 p.m. on Fridays, 6:00 a.m. to 11:00 p.m. on Saturdays, and 6:00 a.m. to 10:00 p.m. on Sundays. The outdoor seating shall be cleaned and washed at the close of each day of operation. (PC) (SUP #2000-0038)
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2000-0038)
6. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2000-0038)
7. No music or amplified sound shall be audible at the property line. (P&Z)(SUP #2000-0038)
8. No alcohol sales are permitted. (P&Z) (SUP #2000-0038)
9. Condition deleted. (CC) (SUP #2000-0038)
10. Condition deleted. (PC) (SUP #2000-0038)
11. The applicant shall require that its employees who drive to work use off-street parking. (P&Z) (SUP #2000-0038)
12. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2000-0038)

13. 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 or debris shall be allowed to accumulate on site outside of these containers. (P&Z) (SUP #2000-0038)
14. 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 #2000-0038)
15. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z) (SUP #2000-0038)
16. All disposable paper goods or drink containers shall be clearly marked so that the source of any litter can be identified. (P&Z) (SUP #2000-0038)
17. The applicant shall obtain, at their expense, one City trash container for installation on the adjacent public right-of-way and shall contact the T&ES Solid Waste Division at (703)751-5130 for information. (T&ES) (SUP #2000-0038)
18. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2000-0038)
19. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Health Department. (Health) (SUP #2000-0038)
20. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a robbery awareness program for the employees and shall consult with them regarding locking hardware and alarms for the business, prior to opening the business. (Police) (SUP #2000-0038)
21. **CONDITION RETAINED 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, (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) (SUP #2000-0038) (P&Z)

SUP #2001-0058
683 N Washington St

22. **CONDITION ADDED BY STAFF: Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)**

DISCUSSION:

1. The applicant, Starbucks Coffee Company by M. Catharine Puskar, attorney, is before the Planning Commission for a review of the special use permit for a restaurant.
2. The subject property is part of one lot of record with approximately 353 feet of frontage on North Washington Street, approximately 246 feet of frontage on Wythe Street, and a total lot area of approximately two acres. The site is developed with two commercial buildings separated by an open courtyard. Structured parking is provided under the buildings, primarily below grade. The property is located in the Old and Historic Alexandria District.

To the north of the site is an Exxon service station. To the east is Portner's Landing residential development. To the west across North Washington Street are offices and an antique shop. To the south is the International Association of Chiefs of Police.

3. On June 17, 2000, City Council granted Special Use Permit #2000-0038 to the applicant allowing it to operate a restaurant with outdoor dining.
4. On May 15, 2001, in conjunction with the one year review of the special use permit, staff inspected the subject property to determine if the applicant was in compliance with the conditions of the special use permit. Staff was advised by the shift supervisor that employees do not park in the on-site garage but rather on the street. Condition #11 requires the applicant to require that its employees who drive to work use off-street parking. Staff issued a citation for the violation and explained to the supervisor that employees who drive are required to park off the street. Staff has since spoken with the applicant's attorney to reiterate that all employee parking is required to occur off of the street.

Staff found no other violations of the permit.

5. Zoning: The subject property is located in the CRMU-X/Commercial residential mixed use (Old Town North) zone. Section 5-403(V) of the zoning ordinance allows a restaurant in the CRMU-X zone only with a special use permit.
6. Master Plan: The proposed use is consistent with the Old Town North small area plan chapter of the Master Plan which designates the property for commercial residential mixed use.

STAFF ANALYSIS:

Staff has no objection to the continued operation of the Starbucks restaurant located at 683 North Washington Street. Staff is not aware of any complaints from neighboring uses or City departments regarding the operation of the restaurant. However, staff is concerned about the employee parking violation and has retained Condition #21 in order to monitor the restaurant for compliance with that and other requirements. Staff recommends approval of the special use permit.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or sewer.

Code Enforcement:

- F-1 No comments.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. This facility is currently operating as Starbucks Coffee Company under health permit #16F-1168-1 issued to Starbucks Coffee/Prentice Hall.
- C-2 Food must be protected to the point of service.
- C-3 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. 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-4 Permits or approval must be obtained prior to use of the new area(s).
- C-5 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions both indoors and at the outside dining areas.
- C-6 Certified Food Managers must be on duty during all hours of operation.
- C-7 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- F-1 The application has had the security survey and robbery awareness program completed.

APPLICATION for SPECIAL USE PERMIT # 2001-0058

[must use black ink or type]

PROPERTY LOCATION: 683 N. WASHINGTON ST

TAX MAP REFERENCE: 54.04-15-01 ZONE: CRMU-X

APPLICANT Name: STARBUCKS COFFEE COMPANY

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: REVIEW of SUP for RESTAURANT

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) 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 Planning Commission or City Council in the course of public hearings 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, esq.
Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone # Fax #

City and State Zip Code

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314

NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

5/15/01 Tuesday 1:00
Date ticket served Day of Week Time AM/PM

Location of Violation: 683 N. Washington

Ord. Section: 11-505
Description of Violation: Condition # 11
Employees Not to use off
Street Parking

Penalty \$: 50.00
 1st 2nd
 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY
5/25/01 AN ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.

[Signature] 103
Inspector's Signature ID Number

I personally observed or investigated the commission of the
violation noted above and/or violation was based upon signed
affidavit.

VIOLATORS COPY - WHITE
CITY ATTORNEY COPY - YELLOW
FINANCE COPY - PINK
PLANNING AND ZONING COPY - ORANGE

SUP 2000-0038/Z-01

TICKET NO. **2178**

NOTICE SERVED ON:
PARRALES, Roberto A
NAME: LAST FIRST MIDDLE

PROPERTY OWNER
 COMPANY Starbucks
NAME

[Signature]
POSITION

OTHER

683 N Washington St
ADDRESS

Alexandria VA
CITY/TOWN STATE ZIP

[Signature] DATE

I hereby acknowledge receipt of this Notice of
Violation. Signature is not an admission of guilt.

PERSON REFUSED TO SIGN DATE

CERTIFICATE OF SERVICE

Mailed/posted a true copy of this notice to the last
known home or business address of the respondent
or the respondent's agent

Name of Person or Business Served

Address of Service

City/State

Posted true copy of this notice at the site of the
infraction

The undersigned states that he/she is an employee
of the City of Alexandria Department of Planning
and Zoning and knows this Certificate of Service to
be true to the best of his/her knowledge.

Signature _____
Print Name _____
Date Phone # _____

WARNING

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE
OF VIOLATION WITHIN 15 DAYS OF THE DATE OF
SERVICE IN ONE OF THE FOLLOWING WAYS

SUP 2001-0058

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A
HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and;
(a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or
(b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.

- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE
ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL
PLANNING AND ZONING AT 703-838-4688

FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT
IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT
AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE
WAS ISSUED

YOU MUST COMPLETE AND SIGN THIS
CERTIFICATION:
 ADMIT VIOLATION NO CONTEST CONTEST IN COURT

Name (print) _____
Street Address _____
City _____ State _____ Zip _____

I hereby certify under penalty of law, that I have
answered as indicated above, and corrected or made
substantial efforts to correct the violation that I have
admitted or for which I have pleaded no contest.

Signature _____ Date _____

CUT 2001-0058

APPLICATION for SPECIAL USE PERMIT # 2001-0058

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Print Name of Applicant or Agent

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Mailing/Street Address

Telephone #

Fax #

City and State

Zip Code

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 9/4/01 RECOMMENDED APPROVAL: _____ UC

ACTION - CITY COUNCIL: 9/15/01PH--CC approved the Planning Commission recommendation.