

EXHIBIT NO. 1

5
9-13-03

Docket Item #5
SPECIAL USE PERMIT #2003-0061

Planning Commission Meeting
September 4, 2003

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

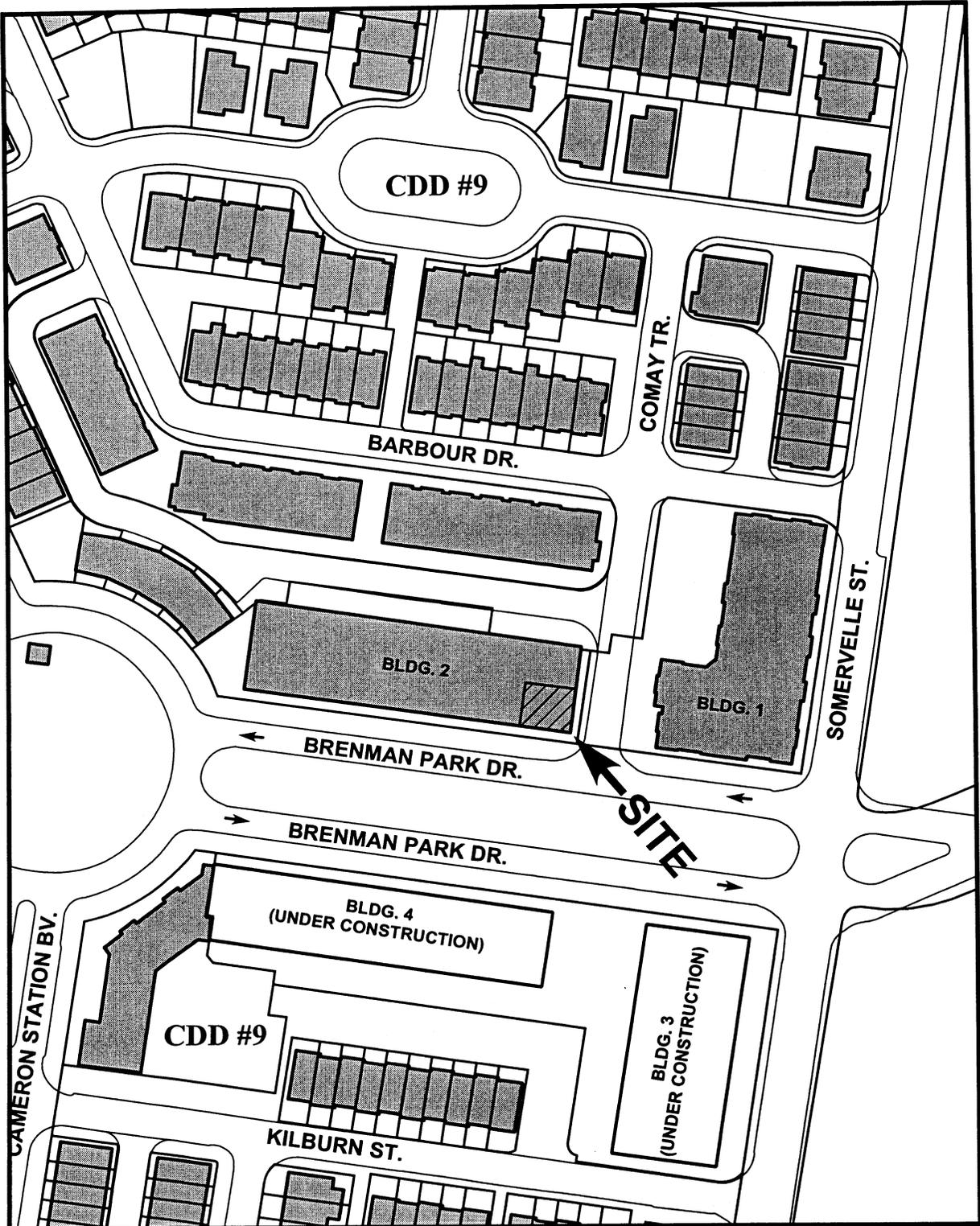
APPLICANT: Cameron Perks Coffeeshouse
by Michael Fleming

LOCATION: 4911 Brenman Park Drive

ZONE: CDD-9/Coordinated Development District

PLANNING COMMISSION ACTION, SEPTEMBER 4, 2003: 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 #2003-0061

09/04/03



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)
2. Seating shall be provided for no more than 21 patrons inside and outside. (P&Z)
3. Outside dining facilities may be located on private property and shall not encroach onto the public right-of-way. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. The hours of operation shall be limited from 6:00 a.m. to 11:00 p.m. daily. (P&Z)
6. 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)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z)
9. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z)
10. 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 allowed to accumulate on-site outside of those containers. (P&Z)
11. 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)
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. No amplified sound shall be audible at the property line. (P&Z)
15. 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)
16. 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. (P&Z)
17. The applicant shall require that its employees park off the street. (P&Z)
18. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year 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)

Staff Notes: 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.

DISCUSSION:

1. The applicant, Michael A. Fleming, requests special use permit approval for the operation of a restaurant located at 4911 Brenman Park Drive.
2. The subject property is part of one lot of record with approximately 200 feet of frontage on Somerville Street, approximately 470 feet of frontage on Brenman Park Drive and a total lot area of approximately nine acres. The site is developed with two four story buildings consisting of ground floor retail and personal service space and three floors of residential space above, as anticipated by the Cameron Station plan. The subject business is proposed to occupy 1,017 square feet of space on the northwest corner of Brenman Park Drive and Comay Terrace. NuYu Salon occupies the northeast corner, and a market and deli is located east of the salon. South of the subject property is Phase III of Cameron Station which is still under construction. Phase III is proposed to be occupied by mixed uses with retail on the first floor, and residential above.
3. The applicant requests special use permit approval to operate a coffeehouse that serves coffee, specialty beverages, fountain drinks, pastries and desserts, soups and salads (see attached menu). All food is prepared off-site. The applicant requests 15 seats inside, plus six seasonal seats outside. The applicant is not proposing any alcohol sales or entertainment.
4. The hours of operation of the proposed coffeehouse are proposed to be 6:00 a.m. to 10:00 p.m. Monday through Thursday, 6:00 a.m. to 11:00 p.m. Friday, 7:00 a.m. to 11:00 p.m. Saturday, and 8:00 a.m. to 6:00 p.m. Sunday. The applicant anticipates that given the proximity of the coffeehouse to Ben Brenman Park, a large number of patrons will visit on the weekends, especially during the summer months.
5. The technical parking requirement for a restaurant is one space for every four seats. In this case, the restaurant is proposing a total of 15 seats indoors, and six seasonal outdoor seats, which requires six spaces. The parking ratio assumed for the retail space of Cameron Station is 1.2 spaces for every 210 square feet of floor area (SUP #96-0146). In this case, the applicant is occupying 1,017 square feet, for a total requirement of six spaces. Therefore, with the parking already provided as part of the Cameron Station Plan, the applicant complies with the parking requirement.

Ample non-metered parking is available directly in front of the store. However, the applicant anticipates that the typical patron will be a Cameron Station resident who will come to the coffeehouse either on foot or on bicycle. Other city residents who utilize the facilities in Ben Brenman Park will be within walking distance of the coffeehouse and will not require additional parking in the neighborhood.

6. The applicant anticipates about three bags of trash each day which would include coffee grounds, cups, and napkins. According to the approved site plan, a trash compactor is located behind the loading space on the east side of Comay Terrace across the street from the subject tenant. The trash compactor is shared by businesses on Ben Brenman Drive, and are emptied twice each week.
7. Small delivery trucks will deliver baked goods to the café each morning at 5:30 a.m. Monday through Friday, 6:30 a.m. on Saturday, and 7:30 a.m. on Sunday. Business supplies will be delivered once a week. Loading will occur immediately in front of the business.
8. At an upcoming hearing, City Council will consider two applications to amend the Cameron Station development special use permit to expand the definition of "retail uses" permitted in commercial condominium units to include business and professional offices and medical offices for Phases I and III (DSUP#2003-0028 and DSUP#2003-0031).
9. Zoning: The subject property is located in the CDD-9/Cameron Station zone which permits residential, retail, open space and public school uses.
10. Master Plan: The proposed use is consistent with the Landmark/Van Dorn small area plan chapter of the Master Plan which designates the property for CDD-9 uses.

STAFF ANALYSIS:

Staff supports the proposed coffeehouse located at 4911 Brenman Park Drive. The proposed use is the type of pedestrian oriented, neighborhood serving use envisioned for the retail spaces in Cameron Station. The applicant is proposing outdoor seating which will enliven the streetscape during summer months.

Staff has included the standard restaurant conditions and a condition requiring a review of the restaurant after it has been operational for one year. With these conditions, staff recommends approval of the special use permit.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

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 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.
- R-3 No amplified sounds shall be audible at the property line.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.

- C-4 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 313.0.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-7 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-8 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.
- C-9 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 118.0.
- C-10 Seasonal outdoor seating shall not obstruct egress or ingress to structures and shall not obstruct pedestrian traffic or fire protection devices (fire hydrants, standpipe connections, etc.) to structures.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.

- C-2 Five sets of plans are to 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-3 Permits must be obtained prior to operation.

- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.

- C-5 Certified Food Managers must be on duty during all hours of operation.

- C-6 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.

APPLICATION for SPECIAL USE PERMIT # 2003-0061

[must use black ink or type]

PROPERTY LOCATION: 4911 BREENMAN PARK DRIVE

TAX MAP REFERENCE: 58.02, BLOCK E, LOT 1.1A ZONE: CDD #9

APPLICANT Name: MICHAEL A. FLEMING

Address: 5267 COLONEL JOHNSON LANE

PROPERTY OWNER Name: MAIN STREET RETAIL, LC

Address: 8614 WESTWOOD CENTER DR SUITE 900
VIENNA, VA. 22182

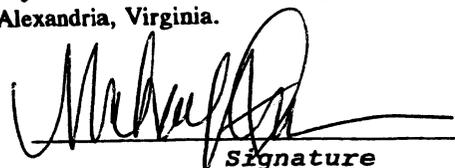
PROPOSED USE: _____
COFFEEHOUSE

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.

MICHAEL A. FLEMING
Print Name of Applicant or Agent


Signature

5267 COLONEL JOHNSON LA.
Mailing/Street Address

703.527.7542 / 703.887.2409 (cell)
Telephone # Fax #

ALEXANDRIA, VA 22304
City and State Zip Code

JUNE 9, 2003
Date

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

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the 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, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

100% - Michael Fleming 5267 Colonel Johnson Lane, Alex VA 22304

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

See attached floor plan and photos

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

See attached

The applicant is proposing to establish a retail coffeehouse, Cameron Perks Coffeehouse, at 4911 Brenman Drive in the Cameron Station neighborhood. As a retail coffeehouse, specialty coffee beverages (lattes, cappuccinos, etc.) will be made on the premises and sold to individual customers. In addition, beverages for warmer seasons will also be available. These will include specialty beverages (smoothies, iced coffees and teas, etc), fountain drinks and bottled or canned beverages. Cameron Perks will serve breakfast pastries and desserts throughout the day.

Cameron Perks will have operating hours as follows: Monday through Thursday: 6 am to 10 pm; Friday 6 am to 11 pm; Saturday 7 am to 11 pm; Sunday 8 am to 5 pm. ^{6pm} It is anticipated that a majority of the patrons will be neighborhood residents who commute to work and who will visit in the early morning hours Monday through Friday. Given the proximity of the coffeehouse to Ben Brenman Park, it is anticipated that a large number of patrons will visit on the weekends, especially during the summer months. Approximately 60 to 80 patrons are expected each day Monday through Friday, and slightly more than this amount each day on the weekends.

Cameron Perks will be owned and operated by Michael Fleming. Two part-time employees will assist Mr. Fleming. The size of the staff could be increased depending on the volume of customers during peak hours.

Ample non-metered street parking is available directly in front of the store. There are currently no spaces designated for handicapped parking. With the exception of the morning hours during the work week, it is anticipated that the typical patron will be a Cameron Station resident who will come to the coffeehouse either on foot or on bicycle. Other city residents who utilize the facilities in Ben Brenman Park will be within walking distance of the coffeehouse and will not require additional parking in the neighborhood.

The coffeehouse will not generate noise that will be disturbing to the surrounding residents. Deliveries of large amounts of food and/or supplies will not be necessary. Cameron Perks will be a small establishment with seating for 15 or fewer patrons to ensure noise is kept to a minimum. Trash generated in the operation of Cameron Perks will be disposed of in an existing commercial dumpster that is shared by businesses on Ben Brenman Drive. The dumpsters are emptied twice each week.

USE CHARACTERISTICS

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

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- 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).

60-80 patrons are expected daily (Mon-Friday), and slightly more on weekends!

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

Michael Fleming - owner (full-time)
2 part-time employees

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

Day:	Hours:
<u>MONDAY - THURSDAY</u>	<u>6:00 AM - 10:00 PM</u>
<u>FRIDAY</u>	<u>6:00 AM - 12:00 PM</u>
<u>SATURDAY</u>	<u>7:00 AM - 12:00 PM</u>
<u>SUNDAY</u>	<u>8:00 AM - 6:00 PM</u>

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

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

N/A

B. How will the noise from patrons be controlled?

N/A

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

N/A

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?

Coffee grounds, cups, napkins

B. How much trash and garbage will be generated by the use?

3 bags per day

C. How often will trash be collected?

Weekly (Mondays & Thursdays)

D. How will you prevent littering on the property, streets and nearby properties?

Trash bins outside of coffeehouse near front door, and 2 trash bins inside of coffeehouse.

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:

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:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

We will follow all applicable city health, fire and safety codes. All employees will receive proper training on the operation of all equipment.

ALCOHOL SALES

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

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

4

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

6 Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? on-site off-site (check one)

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

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.

D. 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.

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

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? N/A

B. How many loading spaces are available for the use? N/A

C. Where are off-street loading facilities located? N/A

* small delivery trucks in the morning and will pull up in front of coffeehouse

D. During what hours of the day do you expect loading/unloading operations to occur?

Each morning @ 5:30am (Monday - Friday)
Saturday 6:30 am & Sunday 7:30 am

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

Baked goods on a daily basis, supplies on a weekly basis

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?

N/A

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?

1017 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1017 sq. ft. (total)

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: _____

an office building. Please provide name of the building: _____

other, please describe: ground floor retail space in existing condominium building.

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 11 At a bar: 4 Total number proposed: 15

2. Will the restaurant offer any of the following?

N/A alcoholic beverages N/A beer and wine (on-premises)
N/A beer and wine (off-premises)

3. Please describe the type of food that will be served:

See attached menu

4. The restaurant will offer the following service (check items that apply):

table service bar carry-out delivery

5. If delivery service is proposed, how many vehicles do you anticipate? N/A

Will delivery drivers use their own vehicles? Yes. No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? Yes. No.

If yes, please describe: _____

**CAMERON STATION PHASE I AND III
RETAIL AND PERSONAL SERVICE**

		PHASE I	PHASE III
RETAIL	Retail GFA	4,500 SF	4,875 SF
	Retail Parking Ratio	1.2 spaces/210 SF	1.2 spaces/210 SF
	Retail Required Parking	26 spaces	28 spaces
PERSONAL SERVICE	Personal Service GFA	6,000 SF	7,313 SF
	Personal Service Parking Ratio	1.0 space/400 SF	1.0 space/400 SF
	Personal Service Required Parking	15 spaces	19 spaces

CAMERON PERKS COFFEEHOUSE
MENU

Coffee
Coffee of the Day
Latte
Cappuccino
Café Mocha
Café American
Café au Lait
Hot Chocolate
Single Shot
Double Shot
Iced Coffee
Ice Coffee latte
Ice Coffee Mocha

Smoothies
Strawberry/Banana
Mango
Wildberry
Peach
Tea
Hot Tea
Chai
Extras
Expresso Shot
Flavored Syrup

Soft Drinks
Fountain Drinks
Ice Tea
Orange Juice
Bottle Water
Can Drinks

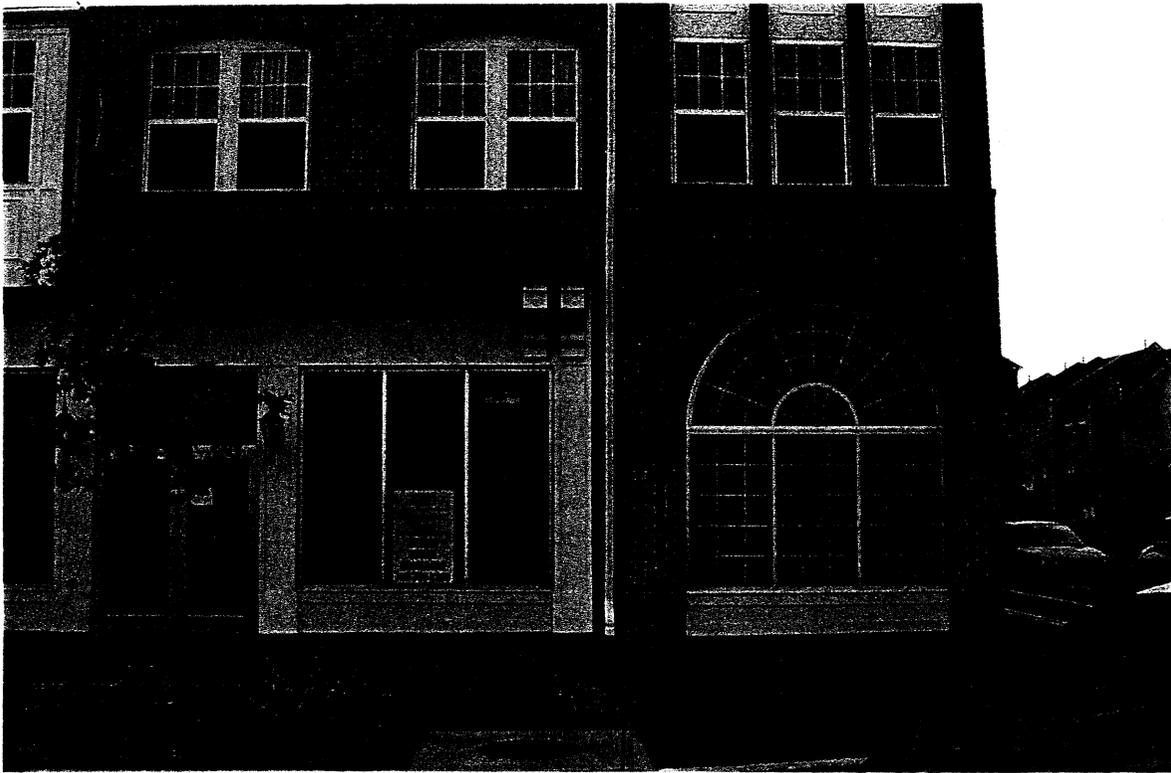
Bag Coffee
Mild
½ pound
1 pound
Smooth
½ pound
1 pound
Bold
½ pound
1 pound

Pastries
Bagle
Bagle w/cream cheese
½ Dozen of Bagles
Dozen of Bagles
Muffin
Plain Croissant
Fruit Filled Croissant
Scone
Biscotti
Danish
Cinnamon Bun
Crumb Cake

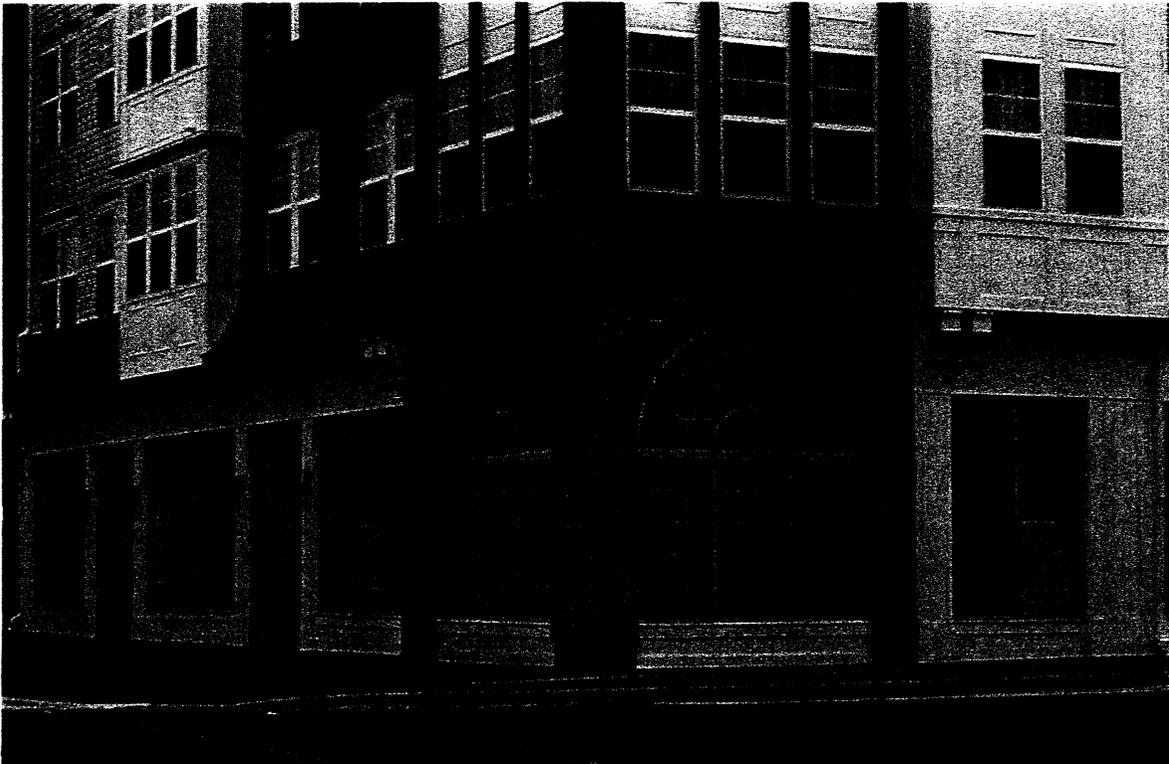
Soups/Salads
Soup Of The Day
Panini Sandwich
Caesar Salad
Chef Salad
Tuna Salad
Fruit Cup

Desserts
Cookies
Brownies
Blondies
Cake
Pie
Ice Cream

SUP 2003-0061



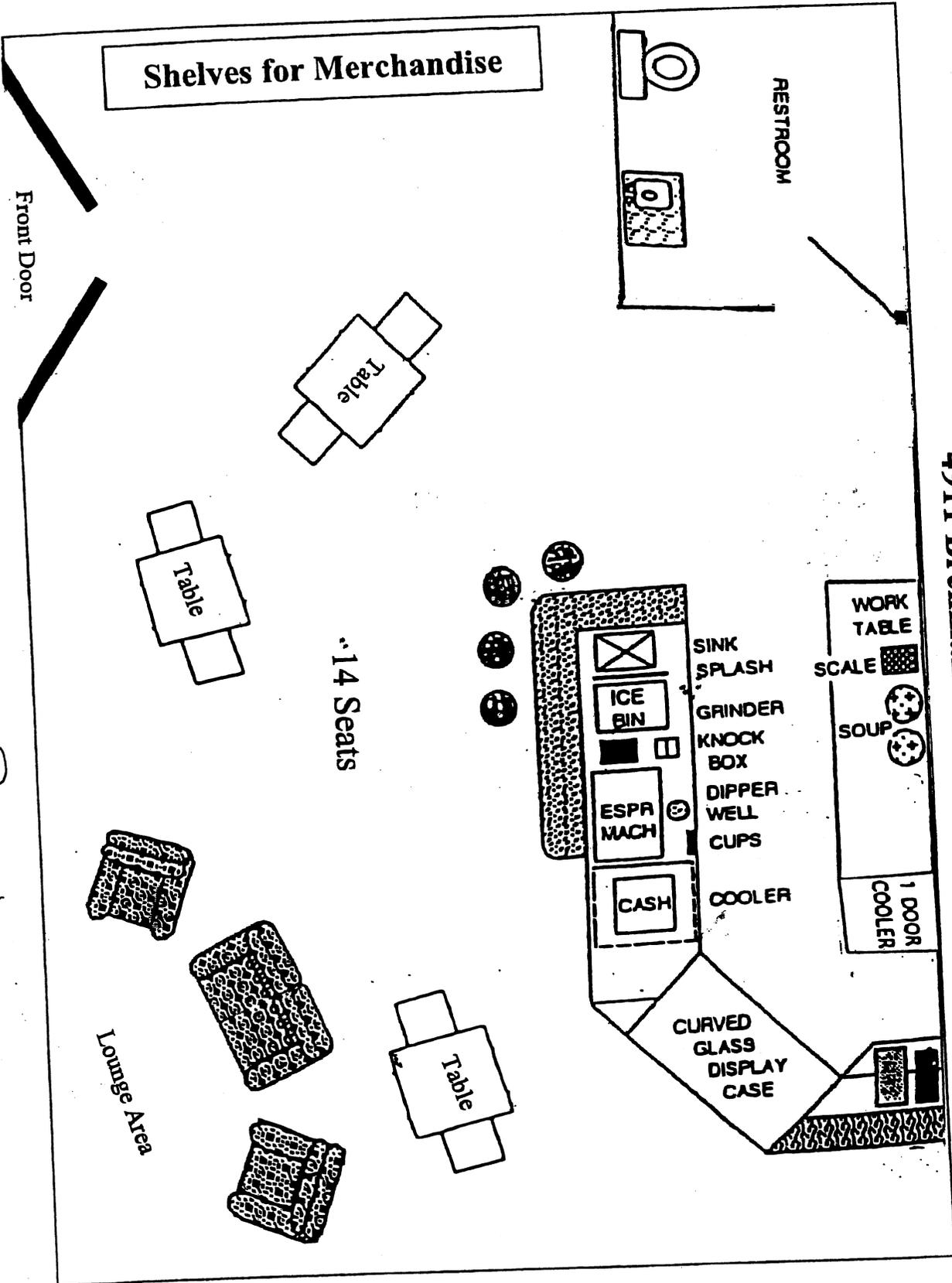
Front



Side

SUP 2003-0061

Cameron Perks Coffeehouse, LLC
4911 Brenman Park Drive



Brenman Park Drive

Comay Terrace
23