

Docket Item #6
SPECIAL USE PERMIT #2001-0135

Planning Commission Meeting
April 2, 2002

ISSUE: Consideration of a special use permit review of a wholesale specialty foods business and request to add outdoor sales of plants and produce and to hold special events.

APPLICANT: Dobbin Enterprises Inc.
by Nancy Perez

LOCATION: 107 North West Street
Mario's Gourmet Alley

ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, APRIL 2, 2002: 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. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

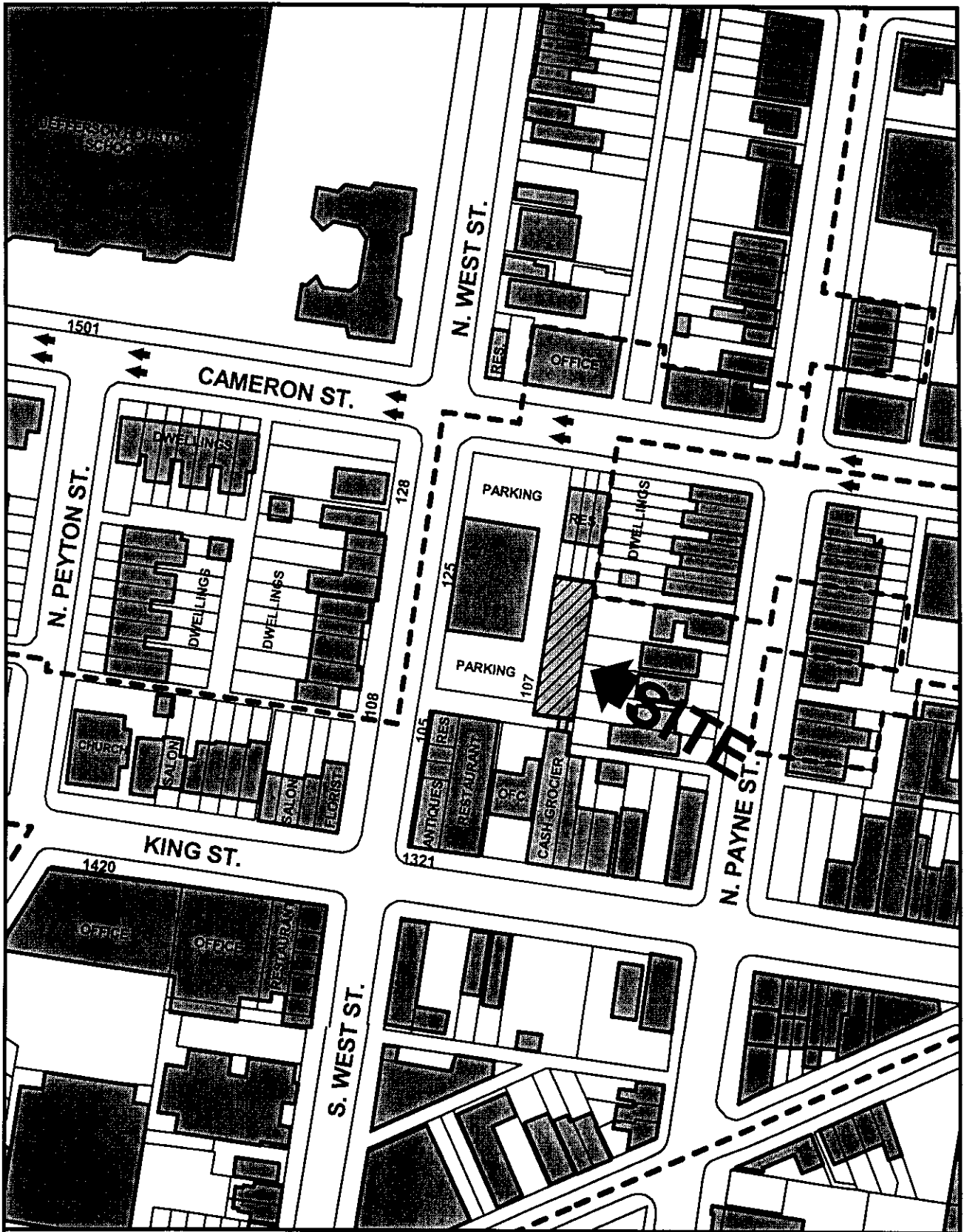
Speakers:

Ms. Nancy Perez, applicant, spoke on behalf of her application.

Mr. Jon Wilbor, of the Old Town Civic Association, sought confirmation that the request for special events had been withdrawn from the application.

PLANNING COMMISSION MEETING, FEBRUARY 5, 2002: By unanimous consent, the Planning Commission deferred the request.

Reason: The applicant requested the deferral.



SUP #2001-0135

04/02/02



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 #2000-0145)
2. Unloading and loading operations shall occur no earlier than 6:30 a.m. Monday through Friday and 9:00 a.m. on Saturdays and Sundays. (P&Z) (SUP #2000-0145)
3. The applicant shall post the hours of operation at the entrance to the building. (P&Z) (SUP #2000-0145)
4. The applicant shall require that its employees who drive to work use off-street parking. (P&Z) (SUP #2000-0145)
5. The applicant shall park any delivery trucks off-site. (P&Z) (SUP #2000-0145)
6. No food, beverages or other material shall be stored outside. (P&Z) (SUP #2000-0145)
7. No amplified sound shall be audible at the property line. (P&Z) (SUP #2000-0145)
8. **CONDITION RENEWED 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 #2000-0145)
9. **CONDITION ADDED BY STAFF:** The applicant shall contribute \$250 to the City for the City's installation of one street tree on North West Street in front of the subject business to the satisfaction of the Director of Planning and Zoning and the City Arborist. (P&Z)

10. **CONDITION ADDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (Police)

11. **CONDITION ADDED BY STAFF:** The applicant is permitted to provide outdoor sale of plants and produce on-site during business hours, generally consistent with its proposal, and must store all outdoor sale items and display cases indoors after business hours. (P&Z)

DISCUSSION:

1. The applicant, Dobbin Enterprises Inc., by Nancy Perez, is before the Planning Commission for a review of and amendment to the special use permit for a wholesale business located at 107 North West Street.
2. The subject property is one lot of record with no public street frontage. The property has approximately 36 feet of frontage on a ten foot wide alley that runs parallel to King Street. It has a total lot area of approximately 4,572 square feet. The site is developed with a warehouse building. Vehicular access to the property is by an alley that connects the property to North West Street.

To the north and east of the site are residences. To the west is an office building occupied by the Fleet Reserve Association. To the south are the rear yards of the commercial properties that have frontage along King Streets.

3. The existing business, Mario's Gourmet Alley, is a retail and wholesale gourmet specialty foods store. The retail store is open from 10:00 a.m. to 8:00 p.m. The wholesale operation includes unloading from deliveries made between 6:00 and 6:30 a.m. once a week, and loading between 7:30 and 9:30 a.m. On an infrequent basis, the applicant receives large deliveries of seasonal holiday goods, generally between the hours of 11:00 a.m. and 2:00 p.m. from Cameron Street. The business generally has two employees and 40 to 50 patrons a day.
4. The retail business, including the off-premise sale of beer and wine, is a permitted use in the zoning district. City Council approved a special use permit for the wholesale component of the business in 2000 (SUP #2000-0145).
5. On October 26, 2001, the zoning staff made an inspection of the subject property to determine if the applicant was in compliance with the conditions of the special use permit, and issued a ticket for storing produce outdoors in violation of Condition #6. Zoning staff visited the site later and found that this violation had been corrected. In addition, staff notes that the applicant has yet to contact the Police for a security survey. Staff has discussed the issue with the applicant, who has agreed to address the issue.

6. In conjunction with the one year review of its special use permit, the applicant requested special use permit approval to (1) sell produce and plants outdoors daily, (2) hold outdoor weekend plant sales in the adjacent parking lot during April, May and September, and (3) hold one-day special events, including alcoholic beverages, food and entertainment, in an adjacent parking lot occasionally throughout the year.

The applicant has since withdrawn her request for outdoor weekend plant sales and outdoor special events. The applicant maintains her request to sell produce and plants outdoors daily in an area approximately six feet wide by twelve feet long, alongside her building.

7. The applicant requests approval to have an outdoor produce and plant sale display in front of her business during existing business hours. The display area will be six feet wide and twelve feet long approximately. The applicant will store all produce, plants and display stands or racks indoors after business hours. The proposed display area partly includes land from the adjacent property, 125 North West Street. The owner of this property, Fleet Reserve Association, has submitted a letter stating that he is aware of and supports this special use permit request.

STAFF ANALYSIS:

Staff supports the continued operation of the retail and wholesale gourmet foods business at 107 North West Street. The applicant has remedied the violation found during the annual review of the business. Staff does recommend that the applicant improve the site by funding the addition of a street tree along North West Street. This tree will help fill a gap in the row of street trees already planted along the street.

Staff also supports the request to operate the daily outdoor sale of produce and plants in a manner consistent with the applicant's description (see attached letter dated March 20, 2002). The outdoor sale of produce and plants will likely benefit and will not impose negative impacts on the surrounding community.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 T&ES has no objections to the proposed occasional outdoor marketing activity. However, T&ES opposes a “blanket” approval for outdoor entertainment events that may disturb adjacent property owners. Such activities require a separate application to the Special Events Committee of the Department of Recreation, Parks & Cultural Activities.
- 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.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Police Department:

- R-1 The applicant is to notify the Special Events Committee for the City a minimum of one hundred twenty (120) days prior to each special event that the applicant wishes to host under item 4 of their amended special use permit.
- R-2 To date the applicant HAS NOT requested the security survey or robbery awareness program recommended in the original special use permit.

APPLICATION for SPECIAL USE PERMIT # 2001-0135

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PROPERTY LOCATION: 107 N. WEST ST.

TAX MAP REFERENCE: 64.03-10-28 ZONE: CD

APPLICANT Name: DOBBIN ENTERPRISES

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: REVIEW of WHOLESALE SPECIALTY FOODS

BUSINESS "MARIO'S GOURMET ALLEY"
and REQUEST for OUTDOOR SALES of PRODUCE & PLANTS +
FOR SPECIAL EVENTS OUTDOORS.

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.

DOBBIN ENTERPRISES
Print Name of Applicant or Agent

Mailing/Street Address

City and State

Zip Code

Signature
NANCY PEREZ
703-641-0766
Telephone # Fax #

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**

Oct. 26, 2001 Friday 11:51
Date ticket served Day of Week Time AM/PM

Location of Violation: 107 N. West St.

Ord. Section: 11-505

Description of Violation: condition #6
(No food, beverages, or other
material shall be stored
outside).

Penalty \$: 50.00

- 1st 2nd
 3rd/MORE

**IF THE VIOLATION IS NOT CORRECTED BY
Nov. 05, 2001 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 2000-0145

Z-02

TICKET NO **2323**

NOTICE SERVED ON:

CLARK, JASON
NAME: LAST FIRST MIDDLE

PROPERTY OWNER
 COMPANY Mario's Gourmet
NAME Alley
POSITION _____

OTHER _____

107 N. West
ADDRESS
Alexandria Va
CITY/TOWN STATE ZIP

[Signature] DATE _____
SIGNATURE

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

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 _____

SUP 2001-0135

SUP 2001-0135

FAX MEMO

DOBBIN ENTERPRISES

107 N. West St.

Alexandria, VA 22314

(703) 518-5098 FAX (703) 519-8244

DATE: 2/6/02

TO: Mary Hashemi
Fax (703) 838-6393

FROM: Nancy Perez
OFFICE PHONE: (703) 641-0766

NUMBER OF PAGES: 3

SUBJECT: Special Use Permit Agenda

Dear Ms. Hashemi,

During the review of the wholesale special use permit for our facility at 107 N. West Street, I would also like to raise the following issues for consideration, which may or may not fall within the parameters of a special use permit:

1. Request for allowance of a directional sign placed at street front to indicate our business location. Placement is contingent upon permission from the Fleet Reserve Association, owners of the street front building located at 125 N. West Street.
2. Request for allowance to place produce and plant items in front of our store during business hours, which are Tues - Friday 10:00 a.m. to 8:00 p.m., Saturday 10:00 a.m. - 6:00 p.m., and Sunday 11:00 a.m. - 6:00 p.m. Items would extend from building not more than four feet, and run along lengthwise not more than six feet. No products or racks would be stored outside the building after business hours.
3. Request for allowance for occasional use of front and side parking lots for nursery plant sales on weekends only during the months of April, May and September. This would entail erecting a temporary awning of dimensions no larger than 10 x10 feet. Any plants or awnings would be stored inside after

store hours, and use of parking lot is contingent upon permission from owners,
Dobbin Enterprises, page 2

the Fleet Reserve Association, from whom we currently rent parking spaces
within the area of special use consideration. Map of affected areas is attached.

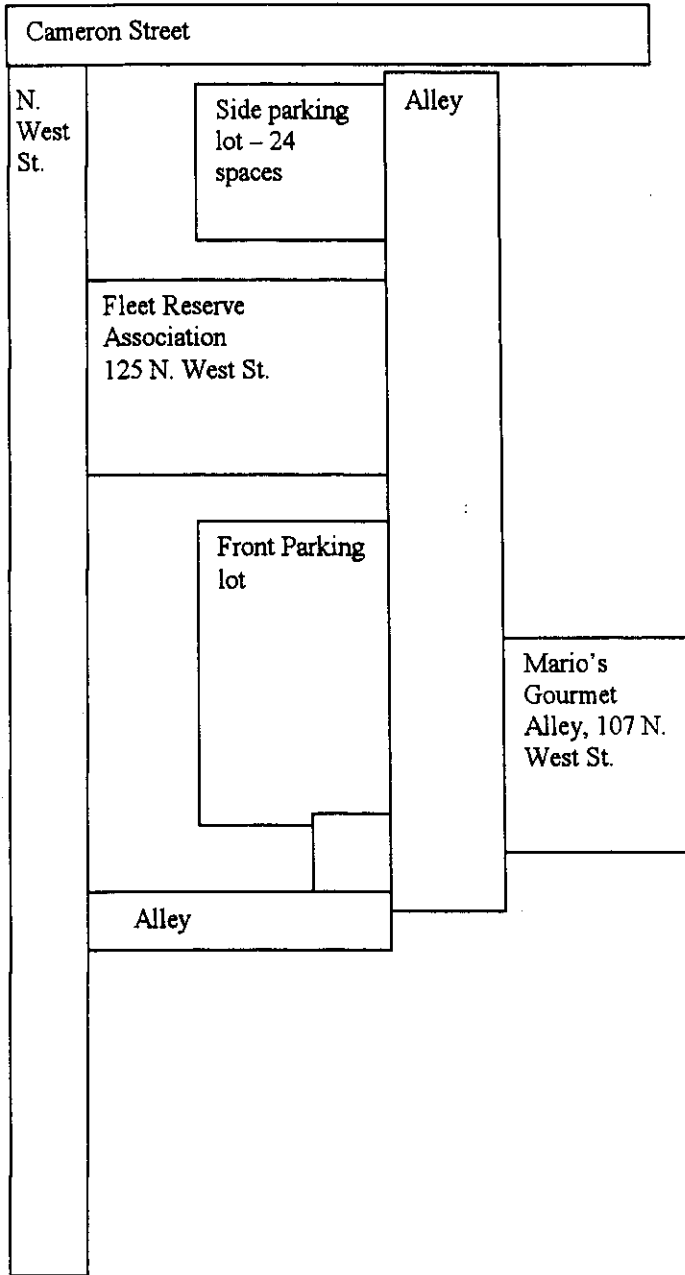
4. Request for allowance for occasional use of front parking lot for non-profit
events, which would provide food, entertainment, and alcoholic and non
alcoholic beverages. Such an event would be contingent upon issue of an on-site
ABC permit for a one-day, non-profit organization. An awning no larger than
10x10 feet would also be erected.

If you have any questions or need additional information, please don't hesitate
to call me at 703-641-0766.

Regards,

Nancy Perez
President,
Dobbin Enterprises

Mario's Gourmet Alley
107 N. West St.



SUP 2001-0135

DOBBIN ENTERPRISES

FAX MEMO

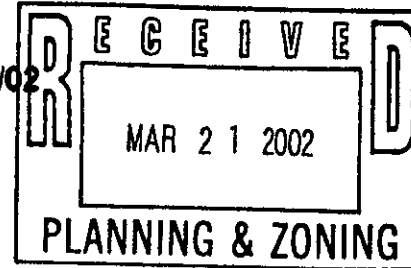
T/A Mario's Gourmet Alley

107 N. West St.

Alexandria, VA 22314

(703) 518-5098 FAX (703) 519-8244

DATE: 3/21/02



TO:

Mary Hashemi

Fax (703) 838-6393

FROM:

Nancy Perez

OFFICE PHONE: (703) 641-1766

NUMBER OF PAGES:

2

SUBJECT:

Special Use Permit Agenda

Dear Ms. Hashemi,

I would like to modify our special use permit issues submitted for consideration last February as follows:

- 1. Our request for allowance of a directional sign placed at street front to indicate our business location is withdrawn. This issue will be addressed through the City's sign permit process and not through the special use review.**
- 2. Withdrawal of request for allowance for occasional use of front and side parking lots for nursery plant sales on weekends only during the months of April, May and September which would have entailed the erection of a temporary awning.**
- 3. Withdrawal of request for allowance for occasional use of front parking lot for non-profit events, which would provide food, entertainment, and alcoholic and non alcoholic beverages.**

SUP 2001-0135

Mario's Gourmet Alley, page 2

4. Modify request for allowance to place produce and plant items in front of our store during business hours, which are Tues - Friday 10:00 a.m. to 8:00 p.m., Saturday 10:00 a.m. - 6:00 p.m., and Sunday 11:00 a.m. - 6:00 p.m. Items would extend from building not more than six feet, and run along lengthwise not more than twelve feet. No products or racks would be stored outside the building after business hours. This request is modified from the original dimension request of four by six feet.

If you have any questions or need additional information, please don't hesitate to call me at 703-641-0766.

Regards,

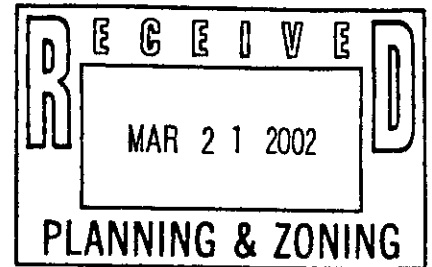


Nancy Perez
President,
Dobbin Enterprises

SUP 2001-0135

Mr. Jerry Sweeney
National Financial Secretary
Fleet Reserve Association
125 N. West Street.
Alexandria, VA 22314

March 21, 2002



TO THE CITY OF ALEXANDRIA,

The Fleet Reserve Association is aware of the special use permit request for Mario's Gourmet Alley for outdoor placement of produce and bedding plants adjacent to their leased premises and have no objections to this special usage request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Sweeney". The signature is fluid and cursive, with a large initial "J".

Mr. Jerry Sweeney
National Financial Secretary

APPLICATION for SPECIAL USE PERMIT # 2001-0135 5

[must use black ink or type]

PROPERTY LOCATION: 107 N. WEST ST.

TAX MAP REFERENCE: 64.03-10-28 ZONE: CD

APPLICANT Name: DOBBIN ENTERPRISES

Address: _____

PROPERTY OWNER Name: _____

Address: _____

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BUSINESS "MARIO'S GOURMET ALLEY"

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DOBBIN ENTERPRISES
Print Name of Applicant or Agent

Signature
NANCY PEREZ
703.641.0766
Telephone # Fax #

Mailing/Street Address

City and State Zip Code

Date

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

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

ACTION - PLANNING COMMISSION: 4/02/02 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 04/13/02PH-- CC approved the recommendation of the Planning Commission.