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9-13-03

Docket Item #7
SPECIAL USE PERMIT #2003-0070

Planning Commission Meeting
September 4, 2003

ISSUE: Consideration of a request for a special use permit to operate a café/deli style restaurant.

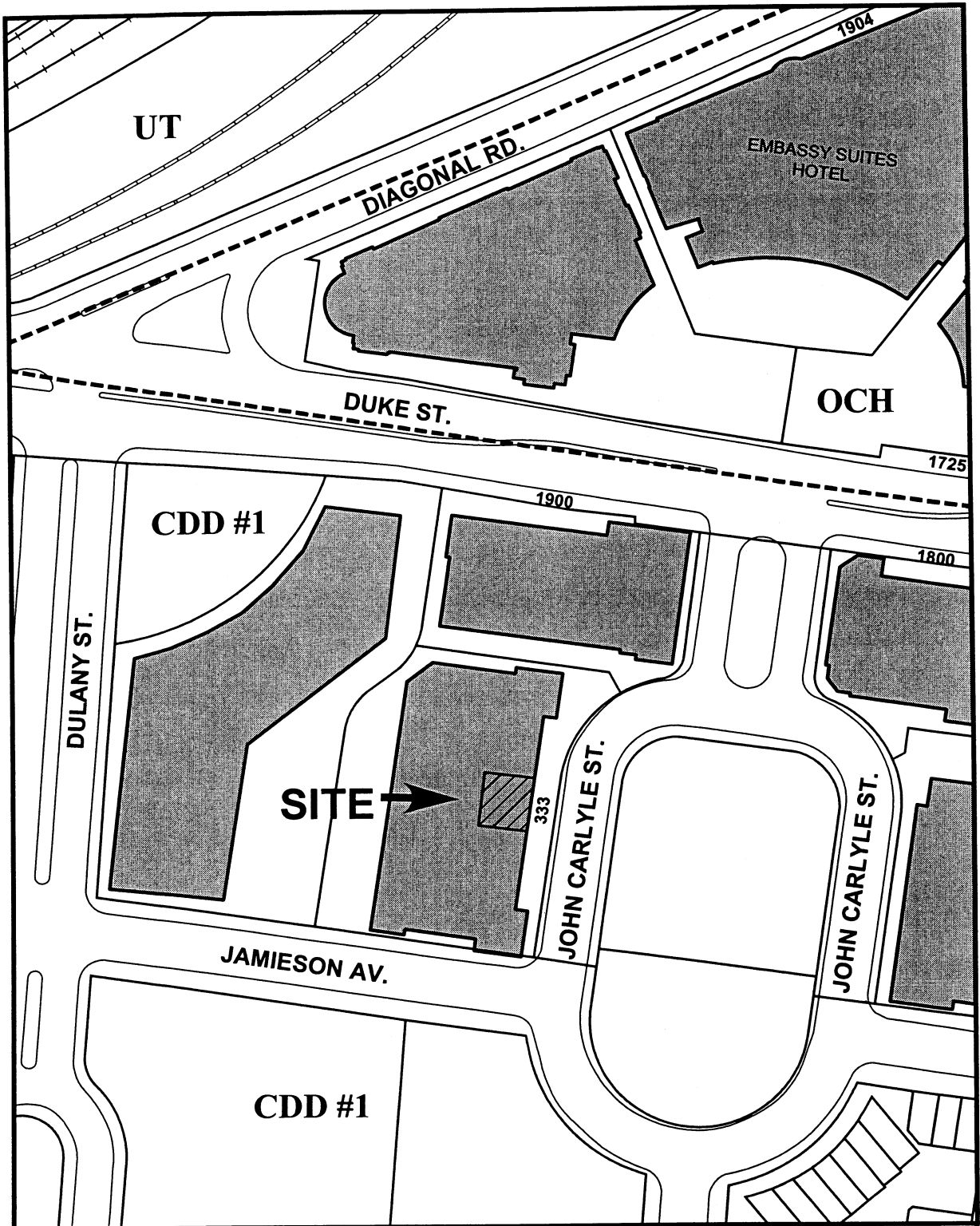
APPLICANT: Paul Park

LOCATION: 333 John Carlyle Street

ZONE: CDD-1/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 #2003-0070

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 14 patrons. (P&Z)
3. The hours of operation shall be limited to 7:00 a.m. to 12:00 midnight daily. (P&Z)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
5. Delivery service is permitted by foot or bicycle. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)
7. 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)
8. 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)
9. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
10. The applicant shall control 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 and Environmental Services. (T&ES)
11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)

12. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
13. All loading and unloading associated with the restaurant shall take place from the loading spaces located within the building. (P&Z)
14. The applicant shall post signs directing patrons to the availability of parking at the on-site underground garage. (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. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)
17. Window signs or posters shall not block the visibility of the interior of the store from the street. Shelving, boxes, coat racks, storage bins, closets, and similar items shall be located where they do not block the windows. All window coverings shall be open as much as possible and provide some interior accent lighting when the business is closed. The front of the business may not be illuminated by flood lights placed on the sidewalk, trees or poles. (P&Z)
18. The applicant shall install at least one storefront entry directly onto the sidewalk. (P&Z)
19. 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)

20. 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)

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.

Prior to the commencement of operation the applicant must obtain a business license from the Business Tax Branch.

Signs must conform to Chapter 9 of zoning ordinance and the coordinated sign program in Carlyle (SUP#98-0023).

DISCUSSION:

1. The applicant, Paul Park, requests special use permit approval for the operation of a restaurant located at 333 John Carlyle Street.
2. The subject property is one lot of record located on the west side of John Carlyle Square, with approximately 230 feet of frontage on John Carlyle Street, and a total lot area of almost an acre. The site is developed with a multi-story office building, with retail spaces available on the first floor. The subject tenant space totals 1,600 square feet and is located just north of the main entrance of the building facing John Carlyle Street.

The subject building is part of the 70-plus acre Carlyle development planned for a mix of office, residential and retail uses. The Patent and Trademark Office is in the near vicinity and currently under construction. Additional office buildings with ground floor retail space are also located in the immediate vicinity.

3. The applicant proposes to operate a café/deli serving coffee and pastries, cold sandwiches, soups, and salad. Seating will be provided for 14 patrons. The hours of operation proposed are Monday through Friday from 7:00 a.m. to 5:00 p.m., and Saturday from 8:00 a.m. to 4:00 p.m. There will be three employees, and all will park in the parking garage. The applicant expects that the majority of its patrons will be pedestrians from the surrounding office buildings who will walk to the café.
4. The parking requirements for the subject building were specified in the Transportation Management Plan for Carlyle (Special Use Permit #2254), and these parking requirements were met for the subject site in the development of the on-site parking garage. The parking garage provides parking for the building's retail and office uses. The applicant is thus not required to provide parking beyond that already provided at the subject site. The final site plan for the subject building shows that there are 24 retail spaces and 265 office parking spaces within the on-site parking garage.

The applicant plans on securing spaces in the on-site garage for any employees that drive, which ensures that street parking will remain open for any potential driving customers.

5. The proposed restaurant's trash will be stored in a dumpster managed by the building owner. The applicant expects two to three bags each day. City trash cans are located at the front corners of the building.

6. The applicant expects loading to occur two to three times each week, during mid-morning or mid-afternoon hours.
7. Zoning: The subject property is located in the CDD-1, Coordinated Development District zone. According to Section 5-602 of the zoning ordinance, the underlying zoning of the CDD-1 zone is OC/Office commercial. According to Section 4-803 (AA) of the zoning ordinance, a restaurant is allowed in the OC zone only with a special use permit.
8. Master Plan: The proposed use is consistent with the Eisenhower East small area plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff recommends approval of the proposed restaurant located at 333 John Carlyle Street. The restaurant is consistent with the vision for John Carlyle Square, originally intended to be the retail and restaurant focus of the mixed use urban development, as articulated in the Carlyle special use permit and the Streetscape Design Guidelines (April 1994). This objective was reaffirmed by the City during the Carlyle Master Plan revision when the Patent and Trademark Office was approved in March 2000. The Square is a publicly accessible park space which is available for some public events similar to City Hall Market Square.

In regard to parking, the applicant is only proposing to be open during daytime hours and anticipates that most of its patrons will be employees of the surrounding offices. The building includes underground parking and employees will be required to park there. Customers who drive may park on the street or in the underground garage.

Staff has included all of the standard restaurant conditions, as well as a condition allowing delivery by foot or bicycle if the applicant may decide to offer that service to area offices. Although the applicant requested limited hours of operation, staff recommended allowing longer hours to give the applicant more flexibility for the future. The hours are consistent with those approved for the Subway restaurant at 1800 Duke Street.

Staff also recommends condition #17 which relates to the storefront appearance. The condition imposes a few minor aesthetic restrictions for the store facade, that the applicant has agreed to, that will make a great impact on the street by ensuring that the windows and storefront remain uncluttered. Staff imposed similar conditions on the retail space in the SHRM building at 330 John Carlyle Street. Staff also recommends that a storefront entry directly on to the sidewalk be installed to ensure that the use has an active presence on the street, and the applicant has agreed.

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:

- 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 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 and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.
- 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:

- 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.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are not transferable.
- C-3 Five sets of plans must be submitted to the Health Department for approval prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Handling Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-5 Permits must be obtained prior to operation.

APPLICATION for SPECIAL USE PERMIT # 2003-0070

[must use black ink or type]

PROPERTY LOCATION: 333 John Carlyle St.

TAX MAP REFERENCE: 73.01 02 14 ZONE: CDD #1

APPLICANT Name: Paul Park

Address: 3927 Poplar Creek Ct. Fairfax, VA 22033

PROPERTY OWNER Name: Cousins Properties

Address: 2500 Windy Ridge Pkwy #1600
Atlanta, GA 30339

PROPOSED USE: Cafe / Deli serving coffee and
cold sandwiches with seating for ¹⁴ patrons.

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.

Paul Park
Print Name of Applicant or Agent

[Signature]
Signature

3927 Poplar Creek Ct
Mailing/Street Address

703)628-8822 703) 802-2831
Telephone # Fax #

Fairfax VA 22033
City and State Zip Code

June 23, 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.

Eun Joo Park

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.

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)

We are proposing to operate a cafe/deli serving coffee and pastries, cold sandwiches, soups, salad. There will be seating for approximately ~~15~~ patrons.

The hours of operation will be Mon - Fri 7am - 5 pm. and Sat 8am - 4 p.m.

There will be three employees and they will park in the garage.

The majority of the patrons will be from this office building as well as adjacent buildings. They will not require parking because they will be walking. The patrons will be mostly office workers in the area.

There will be no noise generated from this business.

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).

Morning 30 people

Lunch 60 people

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

There will be three employees at breakfast & lunch and two employees at closing.

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

Day:

Mon - Fri

Sat

Hours:

7 am - 5 pm

8 am - 4 pm

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

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

There will not be any loud noises from the business.
There will be no large equipment noise.

B. How will the noise from patrons be controlled?

There will only be seating for approximately ¹⁴~~12~~ patrons.

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

There will be some odors from the coffee brewers.

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?

Paper & some foods.

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

2-3 bags per days

C. How often will trash be collected?

Trash will be collected in the main building dumpster.

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

There are trash cans located outside the business.

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?

The store will be clean & free from clutter.

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.

D. During what hours of the day do you expect loading/unloading operations to occur?
Mid morning and mid afternoon. 10-11 am
and 2-4 pm.

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
2-3 times per week

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?
1600 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1600 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: _____

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: 14 At a bar: _____ Total number proposed: 14

2. Will the restaurant offer any of the following?

NO alcoholic beverages NO beer and wine (on-premises)
NO beer and wine (off-premises)

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

Coffee, pastries, cold sandwiches, salads and soups.

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

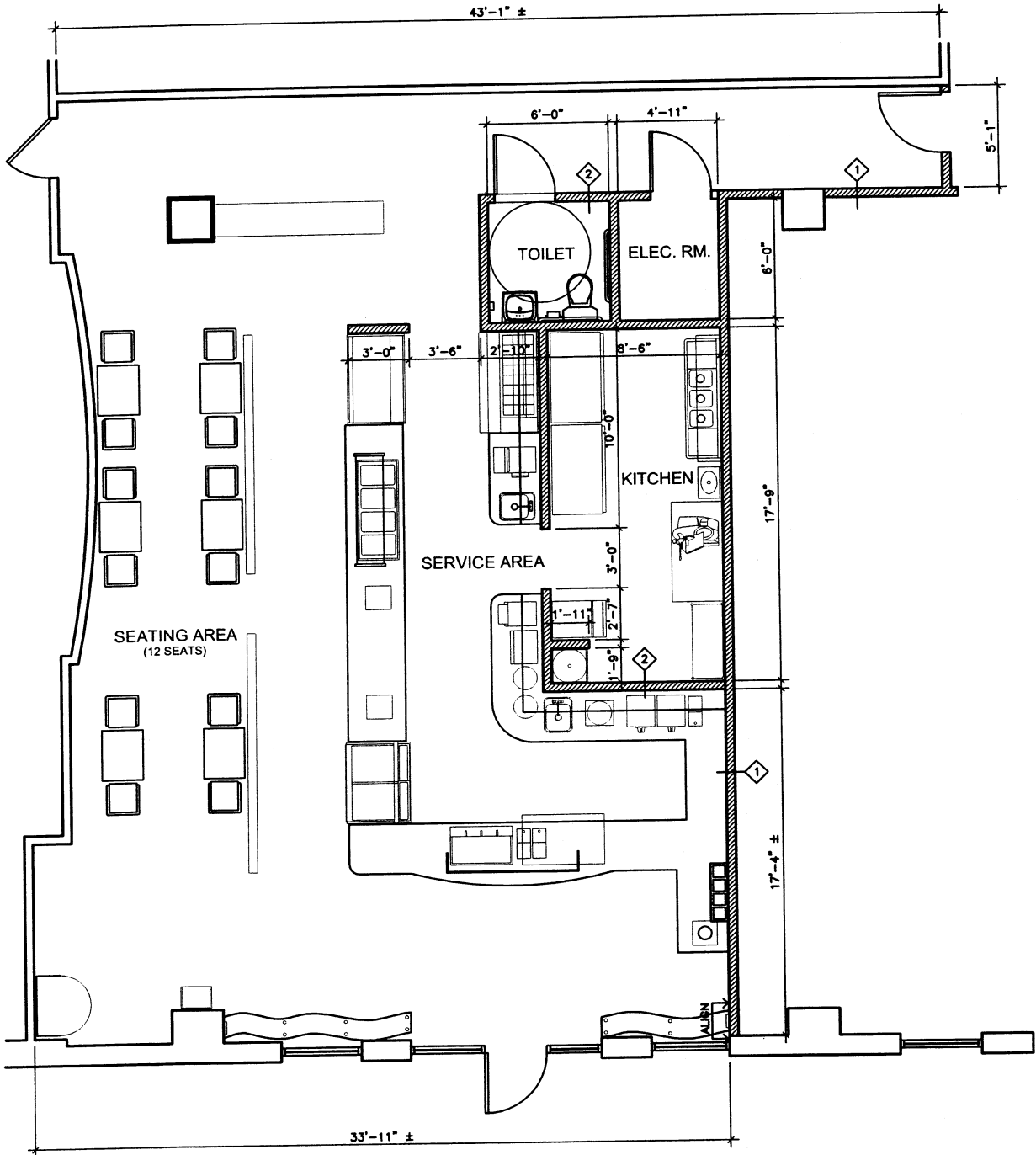
_____ table service _____ bar carry-out _____ delivery

5. If delivery service is proposed, how many vehicles do you anticipate? _____

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: _____



1 PROPOSED FLOOR PLAN
A-3 SCALE: 1/8" = 1'-0"

The Gateway to Alexandria's Urban Core

Carlyle



Gateway

333 John Carlyle Street
Alexandria, VA

Adjacent to:

- U.S. Patent and Trademark Office HQ
- U.S. Federal Court House
- King Street Metro Station

Facility Includes:

- Workout room/lockers
- Highly efficient core configuration
- Convenient public transportation
- Loading dock and service area
- Dedicated service elevator

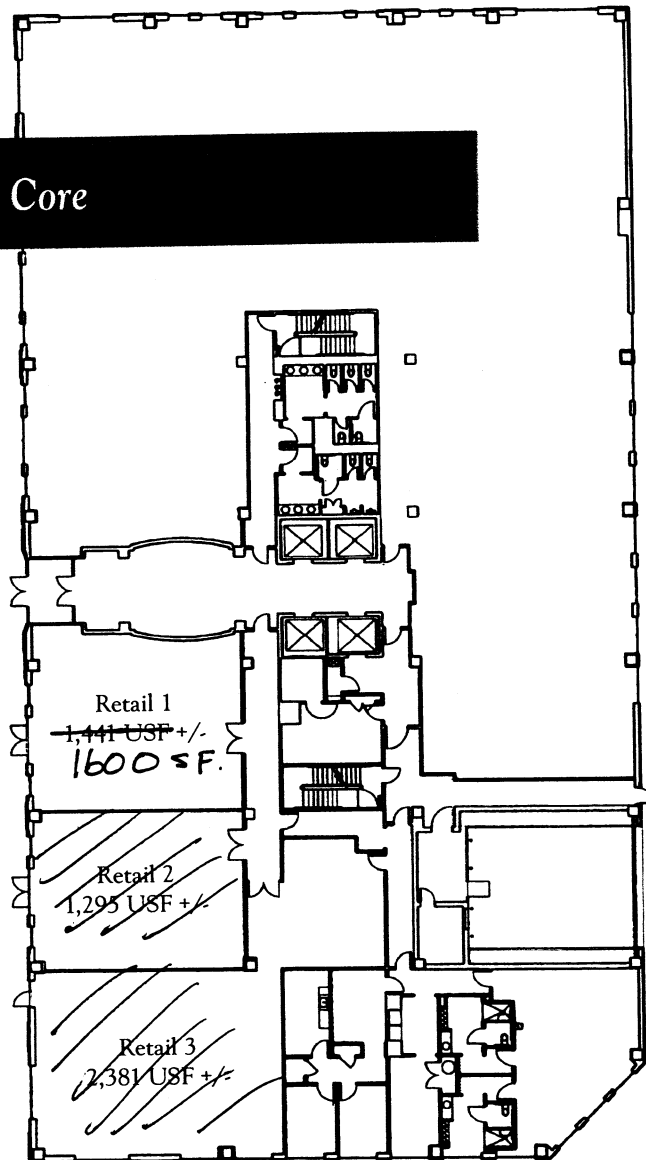
Gateway I

153,000 SF total/6 stories
25,000 SF floors

For more information, please contact:

Joe Brennan at 478-2318
Dave Stoudt at 202-478-2304

SPAULDING & SLYE



GATEWAY I - 1st Floor Plan - Available Retail Space

