

EXHIBIT NO. 1

7
5-12-07

Docket Item #10
SPECIAL USE PERMIT #2007-0019

Planning Commission Meeting
May 1, 2007

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

APPLICANT: Daniel Garcia
Robeks Fruit Smoothies Shop

STAFF: James Hunt, Urban Planner
james.hunt@alexandriava.gov

LOCATION: 1931 Ballenger Avenue (Parcel Address: 1925 Ballenger Avenue)

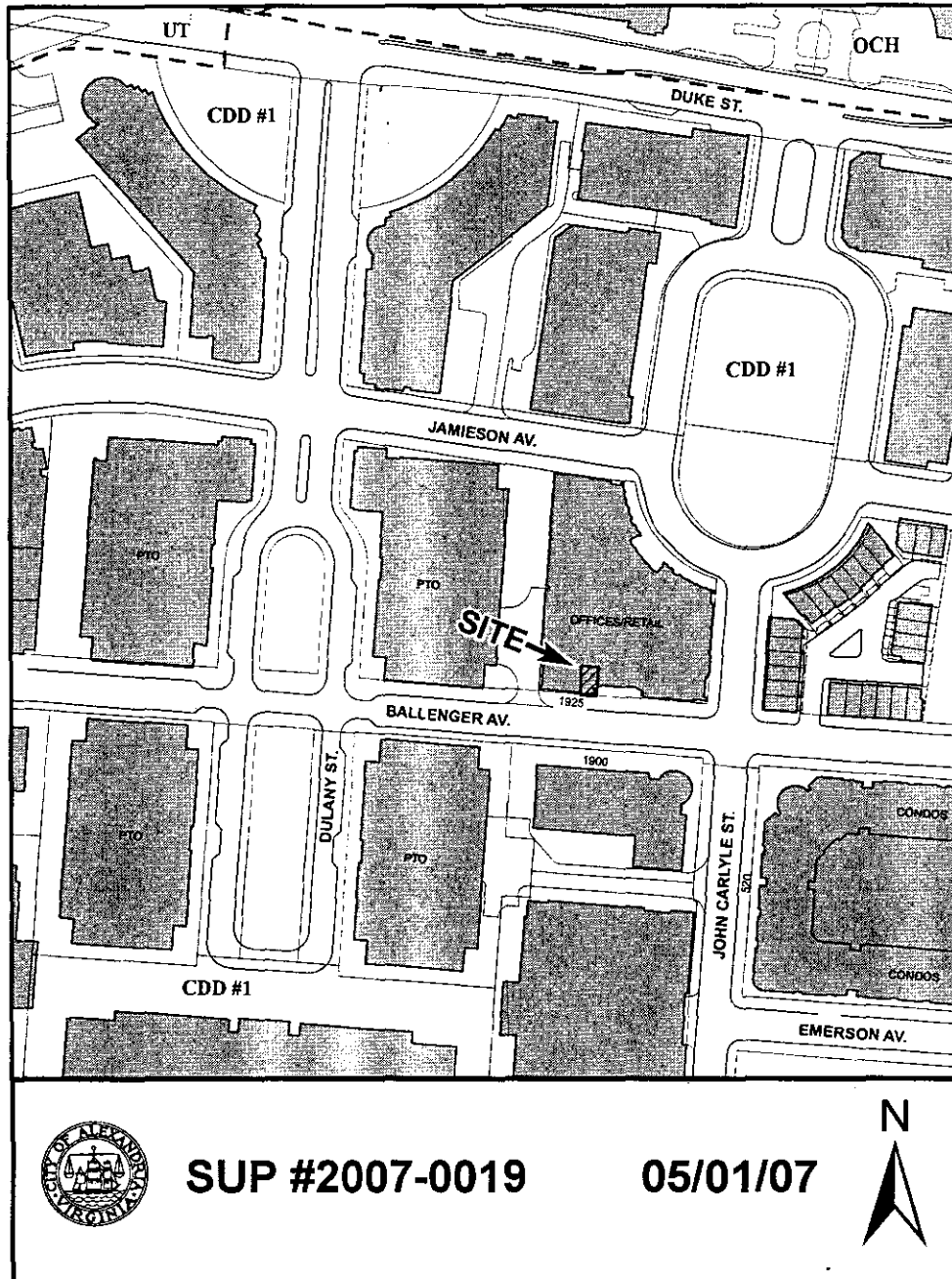
ZONE: CDD#1/Coordinated Development District

PLANNING COMMISSION ACTION, MAY 1, 2007: On a motion by Mr. Komoroske, seconded by Mr. Robinson, 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 5-0-1. Mr. Dunn abstained and Ms. Fossum was absent.

Reason: The Planning Commission agreed with staff analysis. Mr. Dunn indicated that he still has concerns regarding the amount of quick service restaurants within the Carlyle Development.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

SUP #2007-0019
1931 Ballenger Avenue



SUP #2007-0019

05/01/07



I. DISCUSSION

REQUEST

The applicant, Daniel Garcia, requests special use permit approval for the operation of a Robeks Fruit Smoothies restaurant located at 1931 Ballenger Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 97.1 feet of frontage on Jamieson Avenue, 144 feet of depth and a total lot area of 44,840 square feet. The site is developed with a mixed use of office and retail spaces. Access to the property is from Ballenger Avenue. The proposed restaurant space is located in an end tenant space on the first floor and occupies 1,300 square feet of retail space.



The building is part of the 70-plus acre Carlyle development that has been designed for a mix of office, residential, and retail uses.

PROPOSAL

The applicant proposes to operate a Robek's Fruit Smoothies restaurant located within the Carlyle Development. The applicant proposes to offer a variety of vitamin supplements and nutritional foods such as smoothies, muffins, juices, and sandwiches. The proposed operation of Robek's Fruit Smoothies is as follows:

Hours:	Monday- Friday: 7am- 9pm
	Saturday: 8am- 9pm
	Sunday: 9am- 6pm

Number of seats:	Indoors 6
	<u>Outdoors +4</u>
	Total Seats 10

Noise: The applicant does not anticipate high noise

Trash/ Litter: Trash will be commercially collected once per week and additional trash collections will be scheduled as needed. Trash cans will be located inside the establishment.

Delivery Service: No delivery service is being proposed.

Live Entertainment: No live entertainment is being provided

Alcohol Service: No alcohol service will be provided

PARKING

Pursuant to Section 8-200(A) (8) of the Zoning Ordinance, a restaurant with 10 seats is required to provide 3 off-street parking spaces. The parking requirements for the subject building were specified in the Transportation Management Plan for the Carlyle Development (Special Use Permit#2254), and these parking requirements were met for the subject site in the development of the on-site parking garage.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD#1/Coordinated Development District zone. Section 5-602(A) of the Zoning Ordinance identifies OC/Office Commercial zone as the underlying zone, which allows a restaurant for use other than full-service only with a special use permit.

The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for a use consistent with the OC zoning requirements listed under the CDD #1 zone.

II. STAFF ANALYSIS

Staff does not object to the proposed Robeks Smoothies Shop. The proposed restaurant will contribute to the variety of restaurants that have been approved to operate within the Carlyle Development.

The proposed restaurant will be the first of its kind in the Carlyle Development. The restaurant will cater to residents and workers of Carlyle as well as to future visitors to the John Carlyle Square Park. The restaurant is a family oriented business and could serve as an attraction to people who may not normally visit the Carlyle area.

As with other similar restaurant applications, staff has analyzed the amount of retail space within the Carlyle area to determine the location, distribution, and whether sufficient area remains to accommodate future retail and restaurant uses. The restaurants that have been approved to occupy spaces within Carlyle have been predominately located along John Carlyle Street. The total amount of retail space within Carlyle is 258,850 square feet. The amount of retail space that has been occupied by similar restaurants at this time is 19,047 square feet. Other retail uses occupy 27,322 square feet of retail space. Therefore, the amount of retail space remaining after occupancy of the pending Robeks Smoothie Shop is 211,181 (see attachment).

Staff finds there is a sufficient amount of retail space remaining for other retail uses, as well as full service and quick service restaurants.

III. RECOMMENDED CONDITIONS

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 10 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. The applicant shall ensure that pedestrian access is provided past the outdoor seating and shall clean the seating area at the close of each day of operation. (P&Z)
4. The applicant may provide seating for up to 6 outdoor seats. (P&Z)
5. Delivery service shall be permitted to customers in the immediate area. (P&Z)
6. The hours of operation shall be limited to 7am- Midnight daily. (P&Z)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
8. No alcohol service shall be permitted. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. 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)(T&ES)
11. 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)

12. Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
13. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
15. 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)
16. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (P&Z)
17. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
18. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees prior to operation. (Police)
19. The applicant shall require its employees who drive to use off-street parking and encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
20. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z)

21. The applicant shall design both the exterior and interior portions of the space pursuant to the Carlyle Design Guidelines, to the approval of the Director of Planning and Zoning. (P&Z)
22. The applicant shall comply with any requirements adopted as a part of a smoke free restaurant ordinance. (P&Z)
23. 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 which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (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: Richard Josephson, Acting Director, Department of Planning and Zoning;
James Hunt, Urban Planner.

Staff Note: 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.

IV. 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 sounds shall be audible at the property line.
- R-4 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-5 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.
- R-6 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.
- 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.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

Code Enforcement:

- C-1 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-2 The current use is classified as B, M, S ; the proposed use is A-2 . Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five 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-5 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-6 The applicant must obtain a Certificate of Occupancy prior to occupancy (use) of the structure (USBC 116.1).
- C-7 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- 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 Toilet Rooms for Persons with Disabilities:
 - (a) Water closet heights must comply with USBC 1109.2.2
 - (b) Door hardware must comply with USBC 1109.13

- C-10 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C- 11 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.
- C- 12 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C- 13 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 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 plans review of food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks& Recreation:

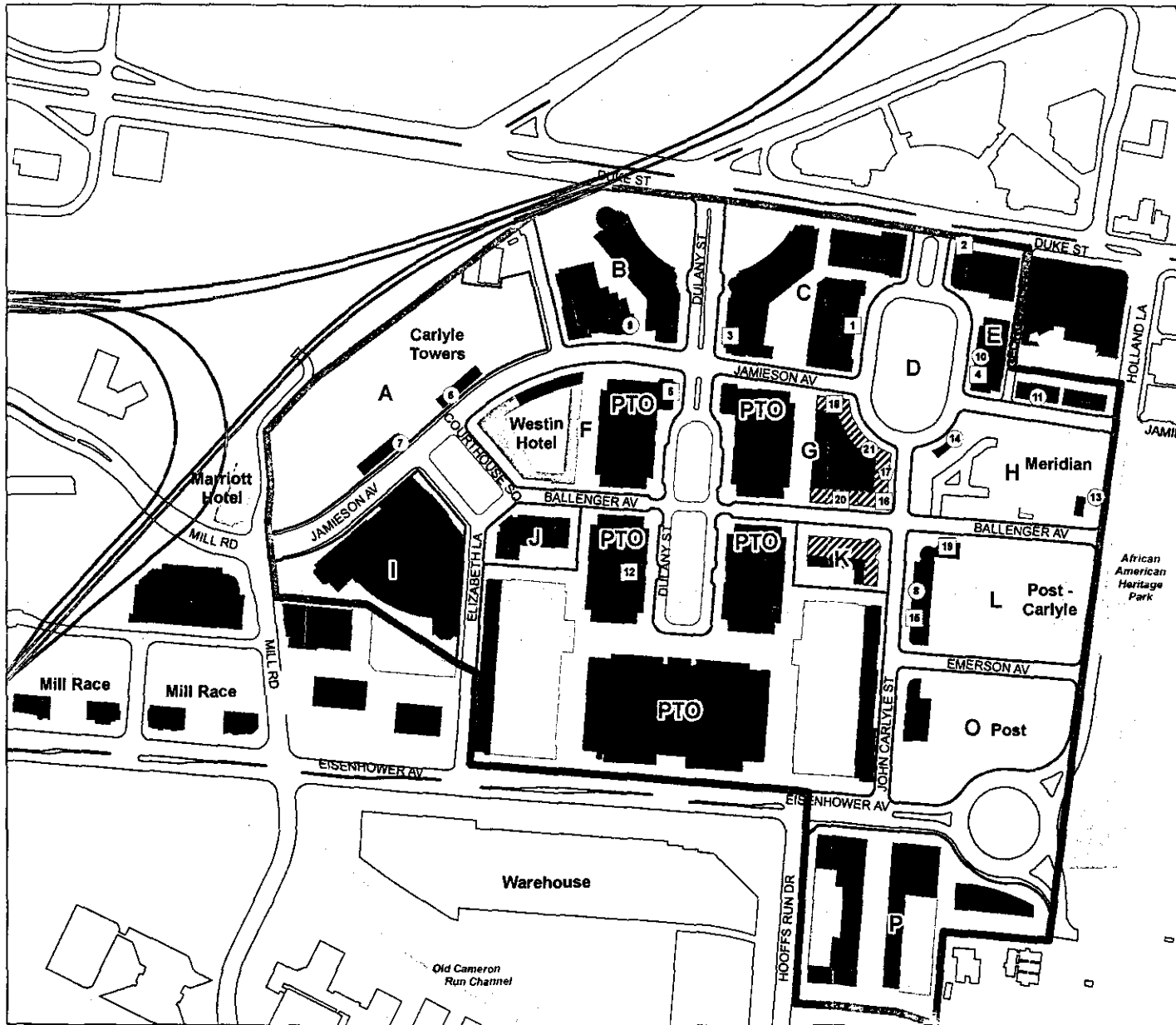
F-1 No Comment

Police Department:

R-1 The applicant is to contact the Community Relations 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 Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a robbery readiness program for all employees.

F-1 The applicant is not seeking an ABC permit. The Police Department concurs.



Carlyle Uses

Legend

Actual Use

- Full Service Restaurant
- Quick Service Restaurant
- Retail / Personal Service

- Carlyle Boundary
- Carlyle Blocks

Approved Uses

- Garage
- Day Care
- Hotel
- Office
- Residential
- Retail - 1st Floor Only
- Retail - 1st and 2nd Floor
- N/A - Not in Carlyle / Other

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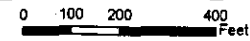
Index

Occupied

- 1 Uptowners Café
- 2 Subway
- 3 Plaza Gourmet
- 4 Jimmy John's
- 5 Quizno's/Smoothie Shop
- 6 Café Gallery Market
- 7 Cruise Holidays
- 8 Serenite Day Spa
- 9 Chevy Chase Bank
- 10 Charles Schwab
- 11 Burke & Herbert Bank
- 12 PTO Coffee House
- 13 Meridian Mart
- 14 Matthew Johnston Gallery

Proposed or Approved

- 15 Jerry's Subs
- 16 Starbucks
- 17 Carlyle Club
- 18 Potbelly
- 19 Bruegger's
- 20 Robek's
- 21 HSBC Bank





APPLICATION



SPECIAL USE PERMIT # 2007-0019

PROPERTY LOCATION: 1925 Ballenger Avenue Suite 118 Alex Va. 22314
TAX MAP REFERENCE: 073.03-02-16 **ZONE:** CDD#1

APPLICANT

Name: Daniel Garcia
Address: 5650 Kathryn St. Alex. Va. 22303

PROPERTY OWNER

Name: Carlyle-Lane-CFRE Venture II, L.L.C. (✓)
Address: 15 Old Danbury Rd Wilton, Connecticut 06297

PROPOSED USE: California style Juice BAR

[] **THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 IV, Section 4-1404(D)(7) 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 Director of Planning and Zoning 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.

Daniel Garcia
Print Name of Applicant or Agent
5650 Kathryn St.
Mailing/Street Address
Alexandria Va. 22303
City and State Zip Code

Daniel Garcia
Signature
703-477-7455 703-329-2402
Telephone # Fax #
dmangarcia2000@yahoo.com
Email address

OWNER
*Thomas
Andrew*

2/17/07
Date
Date & Fee Paid: \$ _____

Application Received: _____

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

ACTION - PLANNING COMMISSION: _____
ACTION - CITY COUNCIL: _____

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

1. The applicant is the (check one):
- 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.

Daniel Garcia	Member	30.71%
Jennifer Crittenden	Member	30.71%
Rodney Fernandez	Member	30.71%

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 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" 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. The description should include 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.)

At Robeks, our passion is to help people lead active and healthy lifestyles by offering the highest quality nutritional food products and supplements. Our blended-to-order fruit smoothies provide the perfect quick and energizing meal for consumers that are increasingly on the go.

We have developed a loyal customer base that enjoys Robeks products for nourishment throughout their day. Whether it's an energizing pure fruit smoothie, a high protein muffin with a fresh squeezed juice for breakfast or the balanced nutrition of a Robeks Zero Sandwich for lunch, we provide a broad menu of wholesome foods and beverages to help you feel and look your best. To enhance overall health and wellness, we offer a proprietary line of Robeks Nutritional Boosts to fortify our smoothies and retail supplements that are conveniently packaged for everyday use. The hours of operation will be M-F 7-9 and SAT 8-9 and Sun 9-6. The majority of our customers will be walking from nearby office buildings, however parking will be available underground for driving customers as well as employees. See Attached.

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).

Range will be 0-20 at one time.

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

Three to six depending on time of Day.

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

Day: <u>M-F</u>	Hours: <u>7-9</u>
<u>SAT</u>	<u>8-9</u>
<u>SUN</u>	<u>9-6</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?

Shared Landlord provided
dumpster.

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

Based on other Robeks locations in the area one
small dumpster PER WEEK.

C. How often will trash be collected?

Landlord determination.

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

Trash cans will be provided within
the facilities.

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:

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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?

N/A

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?

1 space per 4 seats. (3 parking spaces required)

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

228 Standard spaces
_____ Compact spaces
_____ Handicapped accessible spaces.
_____ Other.

C. Where is required parking located? (check one)

on-site
 off-site

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?

Loading dock for retail usage is provided in building

B. How many loading spaces are available for the use? 1 Loading dock Available.

C. Where are off-street loading facilities located? Interior of Building.

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

9-11

2-5

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

1 to 2 deliveries Per week

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- 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?

Street access adequate.

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? N/A square feet.

- 18. What will the total area occupied by the proposed use be?

1300 sq. ft. (existing) + — sq. ft. (addition if any) = 1300 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: Carlyle Center
1525 Ballenger Ave., Suite 118
Alex. Va. 22314

other. Please describe: _____

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Admin Use Permit # _____



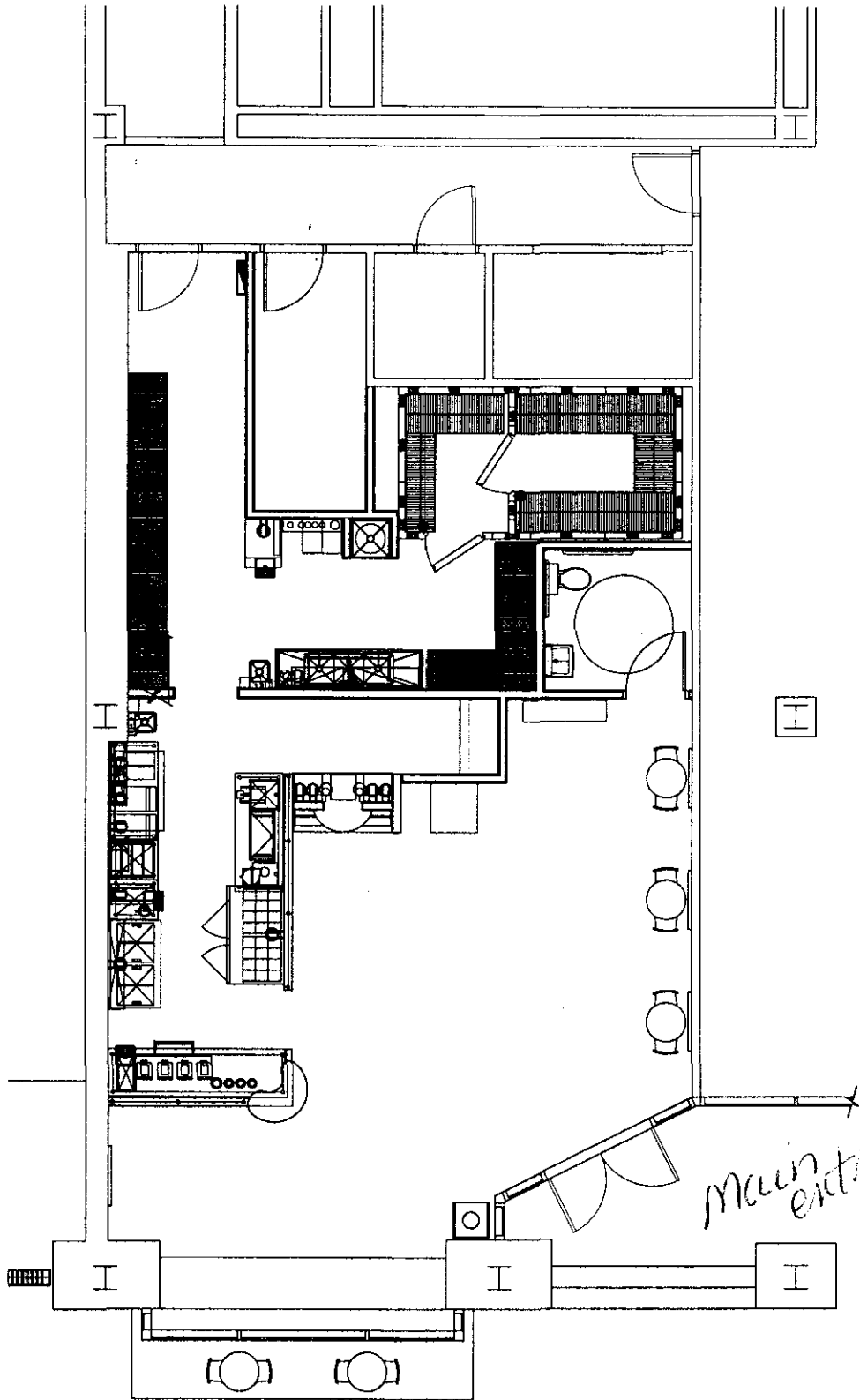
SUPPLEMENTAL APPLICATION

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

- How many seats are proposed?
Indoors: 6 Outdoors: 4 Total number proposed: 10
- Will the restaurant offer any of the following?
Alcoholic beverages (**SUP only**) _____ Yes No
Beer and wine — on-premises _____ Yes No
Beer and wine — off-premises _____ Yes No
- Please describe the type of food that will be served:
Pure fruit smoothies, Fresh squeezed fruits and vegetable juices, Wraps and salads, muffins and cookies, PrePackage nutritional Food products.
- The restaurant will offer the following service (check items that apply):
 table service _____ bar carry-out _____ delivery
- If delivery service is proposed, how many vehicles do you anticipate? N/A
Will delivery drivers use their own vehicles? _____ Yes No
Where will delivery vehicles be parked when not in use?

- Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
_____ Yes No
If yes, please describe:

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L2M ARCHITECTS Phone: (410)-863-1302	ROBEKS - CARLYLE ALEXANDRIA, VIRGINIA	FLR Scale: 1/8" = 1'-0" Date: 02/06/07
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Main entrance

THE IDEAL MEAL, ANY TIME OF DAY

Eating the wrong foods can weigh you down with significant energy consumed in the digestion of these foods. Nutrition experts agree that fueling your body with healthy food throughout the day is the best way to maintain physical strength and mental sharpness. It also helps you stick to your ideal weight by curbing hunger and keeping your metabolism high. Our blended-to-order premium fruit smoothies provide a great meal for breakfast, lunch and dinner as well as an excellent snack between meals when you need a natural energizer. Whether it's one of our pure fruit smoothies or fresh juices or healthy eats, Robeks has just what your body demands at any time of the day.

WHY THE IDEAL MEAL?

A good rule of thumb when it comes to nutrition: the closer to the earth, the better for your body. That's why our menu is loaded with fresh fruits and vegetables full of vitamins, minerals and healthy flavonoids. From our freshly squeezed juices and fruit smoothies, to awesome antioxidant super-foods like green tea, açai and pomegranate, we focus on low-fat, naturally flavorful foods that truly energize and satisfy. For a great meal when you're on the run, try one of our delicious fruit smoothies. Add one or more of our Robeks Nutritional Boosts and you've given yourself a fortified meal that will keep you energized all day long.

THE RIGHT CARBOHYDRATES

Our bodies need carbohydrates to maintain physical and mental energy and clarity. However, it's possible to get too many carbs. This can happen when we overdo it with the wrong kind. Refined carbohydrates like white bread, sugary baked goods and candy have lots of carbs, but little nutritional value. This lack of nutrients leaves us hungry for more, a cycle that can lead to weight gain. By switching to healthy carbs like fruit, vegetables and whole grains, we give the body what it really craves: fiber and other nutrients that haven't been stripped out by processing. Aim for the 5-9 servings of fruits and vegetables that leading health authorities recommend we consume everyday.

COMPARE ROBEKS TO OTHER MEAL OPTIONS

	Calories	Fat (g)	Cholesterol (mg)
Robeks® Smoothies (24oz.)			
Malibu Peach™	306	0	0
Polar Pineapple™	328	2	0
Big Mac™	560	30	80
Whopper™ (no cheese)	670	39	95
Taco Bell™ - 3 Tacos	510	29	75
Subway™ 6" Italian BMT (with mayo)	450	21	55

Nutrition information obtained 2/2008 from www.mcdonalds.com
www.burgers.com, www.tacobell.com & www.subway.com

Based on 2007 nutrition facts. 30% fat, 30% sugar, 30% protein.
Daily Values may differ depending on your calorie needs.

FRUIT SMOOTHIES

You can fill that supermarket cart to the brim and you still won't get the amazing selection of fruits found in Robeks premium fruit smoothies. From the tantalizing tastes of the tropics to the ripe treasures of the orchards, a Robeks smoothie features just the fruits and flavors to suit your fancy. Blended with exotic juices, tangy sherbet, non-fat frozen yogurt and your choice of our premium nutritional boosts, our smoothies are the convenient way to slip down nutrition as you zip around town.

ENERGY BOWLS

Energize your day! Our energy bowls combine the wholesome crunch of granola with sliced bananas and scoops of exotic Brazilian Açai. For years Brazilians have enjoyed this amazing combination and now you can, too! Açai is a berry found deep in the Amazon rain forest and an extremely rich source of antioxidants and vitamins for healthy immunity. Enjoy a Robeks Energy Bowl for breakfast or as a snack and you'll be ready to take on the world!

FRESH JUICES

You can't get more natural than juice squeezed straight from fresh raw veggies and fruits. The live enzymes and nutrients in these fresh-from-the-earth foods is truly life enhancing, purifying and detoxifying. This is vitality in its purest, most concentrated form! Try a blend of juices to create a one-of-a-kind taste to stimulate the senses and energize the cells.



SANDWICHES, WRAPS & SALADS

Our sensational selection of gourmet sandwiches, hearty wraps and fresh salads are just the healthy solutions to satisfy even the strongest hunger. We combine great-tasting, healthy ingredients to satisfy your body and your taste buds. Made with lean meats, healthy produce and wholesome grains, our exciting, unexpected recipes guarantee there's something for every taste on the Robeks healthy gourmet menu. *available in select locations*

FROZEN YOGURT

For a cool, creamy treat, our frozen yogurt really hits the spot. Made with non-fat vanilla yogurt and blended with your choice of up to three fruits, our yogurt is an incredible way to satisfy a sweet tooth without all the calories and fat. It's also a sensational source of calcium for healthy bones. *available in select locations*

HEALTHY SNACKS

Feel a snack attack coming on? It doesn't have to destroy your regimen. Head to Robeks and pick up something sweet and savory that won't cause your waistline to widen. Our carefully selected snacks offer the best in taste and nutrition, with plenty of low-fat, low-sugar and high-protein options. We've done the worrying for you, so you can sneak a healthy snack without breaking your stride.

ROBEKS PREMIUM NUTRITIONAL BOOSTS AND GREEN TEA SHOTS

Individual wellness goals may demand a boost you can't always get through diet alone. Our Robeks premium nutritional boosts cater to your unique nutritional needs. Scientifically formulated with a blend of quality herbs, whole foods, vitamins and minerals, each boost provides the natural formula to help you reach your goals. Whether you're trying to fight a cold, boost energy, burn fat or build muscle, there's a Robeks nutritional boost designed just for you. Fortify your smoothie or take them with you in convenient packaging for use at home, the office or while traveling.

WHEATGRASS

One shot of wheatgrass provides nearly all the vitamins and minerals you'll find in a huge bowl of leafy salad and vegetables. It's also extremely high in the plant enzyme chlorophyll, known to protect against cancer. A remarkable source of energy and vitality, wheatgrass is widely praised for its ability to detoxify and restore the body, particularly the liver and digestive system. One ounce of wheatgrass provides similar vitamin and mineral content as eating 2.5 pounds of fresh vegetables. Boost your health with a wheatgrass shot every day!

3/12/2007-2019

welcome to robeks!

When you live life on the go, you need choices to keep pace. Robeks is dedicated to providing an alternative to fast food. What you eat should fuel you up, not weigh you down with excess fat, salt, refined sugar and additives. We know that fresh nutritious food can taste better than typical fast food and make you feel a lot better too. Our menu has just what you need to stay healthy and active.



ROBEKS IS A GREAT CHOICE FOR THE WHOLE FAMILY AND A QUICK AND EASY WAY TO FEED THE WHOLE GANG. WE'RE HERE TO MAKE YOUR DAY A LITTLE EASIER, WITH A FANTASTIC SELECTION OF FOOD KIDS LOVE AND THAT PARENTS CAN FEEL GOOD ABOUT

GIVING. KIDS ARE CRAZY ABOUT OUR NATURALLY SWEET, COLORFUL SMOOTHIES THAT ARE NUTRITIOUS, SO MUCH FUN TO SIP AND AVAILABLE IN A JUNIOR SIZE TOO. YES, FOOD CAN TASTE GOOD AND BE GOOD FOR YOU! WE STRIVE TO HELP KIDS MAKE GREAT FOOD CHOICES EARLY ON. WE KNOW IT'S A LESSON THAT LASTS A LIFETIME.

ROBEKS.COM

Learn about all things Robeks at *Robeks.com*! Our website has it all, from news on our latest products and events to information on where to find your nearest Robeks location. You'll find menus and nutritional information, articles on a broad range of health topics and a convenient e-store to order our exclusive premium nutritional supplements. Stay in the loop by logging on and becoming a member of the *Robeks.com* community today.

PARTNERS IN YOUR COMMUNITY

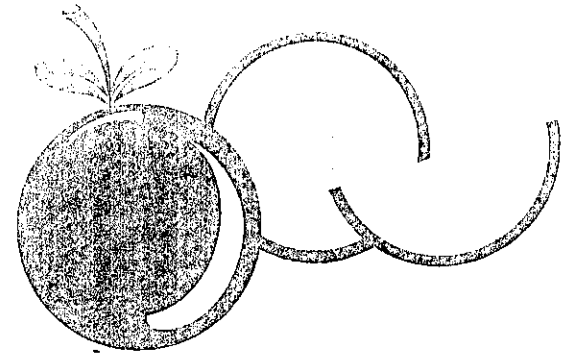
We're passionately committed to giving back to the communities in which we do business through service and partnership. This is why we've partnered with nationally recognized non-profit organizations like Save the Children and the American Heart Association, and proudly sponsor races like the L.A. Marathon and Fila Cancer Challenge. Finding opportunities to build stronger, healthier communities is the Robeks way.

FRANCHISE OPPORTUNITIES

We are continuing to expand across the country, introducing the positive benefits of the Robeks brand to consumers in many new markets. Robeks stores are opening in retail locations in metropolitan areas throughout the United States. We're looking for entrepreneurs that share our commitment to a healthy lifestyle and passion for excellence. Come grow with us! Visit the Franchising section at *Robeks.com* for more information.

NCUST-IM
Robeks.com

ideal meal



SUP 2007-0019

BLENDING THE FINEST FR
SMOOTHIES & JUICES
SINCE 1996



Robeks is a proud supporter of





SUP2007-0079

Robeks Corporate Profile

Robeks Corporation is one of the fastest growing franchise systems in the fast-casual sector of the restaurant industry. Our concept is based on the rapid delivery of premium-quality, made-to-order fresh fruit smoothies, healthy eats, nutritional boosts and dietary supplements, served by enthusiastic associates in pleasant, colorful and convenient environments.

Top Ten Franchises

Currently, Robeks serves its guests at 107 franchise locations in 15 states and the District of Columbia. The company is on a rapid growth path to build its national brand by reaching more than 500 locations across the country in five years. Robeks was named one of the top ten new franchises for 2006 by Entrepreneur® in their 27th Annual Franchise 500®. For locations, franchise or product information, please visit www.robeks.com.

Excellent Meal Replacements

Since opening the first Robeks Juice in 1996, the Company has always been passionate about promoting the essential role of good nutrition and its importance in helping people maintain active and healthy lifestyles. Robeks' goal is to make eating a healthier meal both quick and easy by offering a great-tasting selection of "meal replacements" such as premium-quality fruit smoothies and squeezed-fresh fruit and vegetable juices, healthy snacks, as well as gourmet sandwiches, wraps and salads (in most locations).

Proprietary Dietary Supplements

As part of Robeks' mission to serve the public with fresh and healthy alternatives to fast food, the Company has also created a full line of proprietary nutritional boosts and dietary supplements. These include Immunibek® and Powerbek™, natural nutritional supplements that fit our guests' active lifestyle. These products have been developed with Robeks' nutritional consultant, Dr. Edward M. Lieskovan, president and chief executive officer of Performance Research Laboratories, Chief Scientist for Nutritional Research Group, and Adjunct Assistant Professor of Clinical Pharmacy at the University of Southern California's School of Pharmacy. As an authority in the nutritional and pharmaceutical fields, Dr. Lieskovan consults with Robeks to formulate new products that maximize health benefits for guests.

Seasoned Management

Robeks is managed by a visionary team of seasoned industry executives with experience gained from some of the best known brands in the business. Robeks is a privately-held company, with 100 percent franchisee ownership. Franchisees represent all walks of life and diverse backgrounds— from families, single entrepreneurs and second career executives to retirees, young couples and multi-unit business owners. Franchise ownership is easy, affordable and offers a simple operating model with very manageable operating hours.

Quality nutrition, product value and a great guest experience are the cornerstones of the Robeks' philosophy. As a result, Robeks continually innovates its menu to stay at the forefront of helping Americans live healthfully.

RCP:2/07

Robeks Corporation • 1230 E. Rosecrans Ave., Ste. 400 • Manhattan Beach, CA 90266 • 310.844.1525



SUP2007-0019

Robeks Fact Sheet

Franchising in the United States

- A new franchise opens somewhere in the United States every eight minutes!¹
- About one out of every 12 retail business establishments is a franchised business¹
- 750,000 franchised businesses in the U.S. generate more than \$1 trillion in sales annually¹
- Franchising accounts for nearly 10 percent of the U.S. private sector economic output²
- Franchising employs more than 14 million people¹
- The smoothie category is growing 3 x faster than the national QSR (Quick Serve Restaurant) category³

About Robeks

- One of the fastest growing franchise systems in the fast-casual restaurant segment
- Named one of the top ten new franchises for 2006 by Entrepreneur®
- System grew by over 50 percent in 2006
- Many millions of fresh-fruit smoothies served since Robeks was founded in 1996
- Privately-held company with 100 percent franchisee ownership
- 107 locations in 15 states and the District of Columbia
- Growth to over 500 locations in next five years

Our Commitment to Healthy Lifestyles

- Robeks promotes the essential role of good nutrition to help its guests live healthfully
- “Official Fruit Smoothie” and supporting sponsor of the Los Angeles Marathon for seven consecutive years; supplies an average of 30,000 cups (900 gallons) of squeezed-fresh orange juice annually to thousands of runners and visitors
- Donated \$25,000 to Save the Children’s pilot physical activity and nutrition program—CHANGE
- Robeks’ franchise owners throughout U.S. support local community events, school functions, sporting events and more

Our Menu and Products

- **Premium-quality, Made-to-order Fresh Fruit Smoothies:** Power Smoothies, Berry Smoothies, Tropical Smoothies, Exotic Smoothies
- **Healthy Eats:** Gourmet Sandwiches/Wraps, Garden Fresh Salads (in most locations), Gourmet Pretzels, Power Muffins, Power Cookies
- **Energy Bowls:** Açai Energy Bowl, Super Açai Bowl
- **Robeks’ Proprietary Nutritional Boosts and Dietary Supplements:** Cardiobek™, Creatine, Fiberbek®, Immunibek®, Intellibek®, Kidbek™, Powerbek™, Soy Protein, Trimbek®, Vitabek® and Whey Protein available in daily-use packets and larger home-use containers
- **Fresh Juices:** Apple/Orange/Carrot, Raspberry Lemonade, ABC®, G-Snap™, Green-V™, Monkey-C™
- **Power Shots:** Green Tea Shots™, Organic Wheatgrass

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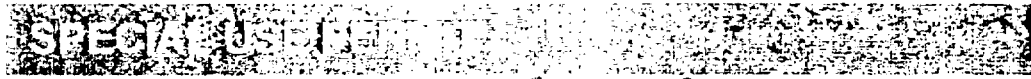
¹The International Franchise Association

²Economic Impact of Franchising

³Mintel Research



APPLICATION



SPECIAL USE PERMIT # 2007-0019

PROPERTY LOCATION: 1925 Ballenger Avenue Suite 118 Alex Va. 22314

TAX MAP REFERENCE: 073.03-02-16 **ZONE:** CDD#1

APPLICANT

Name: Daniel Garcia

Address: 5650 Kathryn St. Alex, Va. 22303

PROPERTY OWNER

Name: Carlyle Lane-CFRE Venture II, L.L.C. (✓)

Address: 15 Old Danbury Rd Wilton, Connecticut 06297

PROPOSED USE: California style Juice BAR.

[] **THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 IV, Section 4-1404(D)(7) 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 Director of Planning and Zoning 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.

Daniel Garcia

Print Name of Applicant or Agent

5650 Kathryn St.

Mailing/Street Address

Alexandria, Va. 22303

City and State

Zip Code

Daniel Garcia
Signature

703-477-7455

Telephone #

703-329-2402

Fax #

dmangarcia2000@yahoo.com

Email address

2/17/07

Date

Application Received: _____

Date & Fee Paid: \$ _____

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

ACTION - PLANNING COMMISSION: Recommended Approval w/amendments 5-0-1 May 1, 2007

ACTION - CITY COUNCIL: 5/12/07-CC approved the PC recommendation 6-0

OWNER
Thomas
Andrew