EXHIBIT NO. 1

DOCKET ITEM #6

**Special Use Permit #2008-0093****820 and 822 North Fairfax Street**5  
3-14-09

Application	General Data	
<b>Request:</b> Consideration of a request for a special use permit amendment to expand an existing restaurant, add alcohol service, and allow additional seating.	<b>Planning Commission Hearing:</b>	March 5, 2009
	<b>City Council Hearing:</b>	March 14, 2009
<b>Address:</b> 820 and 822 North Fairfax Street	<b>Zone:</b>	CRMU-X/Commercial Residential Mixed Use (Old Town North)
<b>Applicant:</b> Ms Perky, LLC t/a Perks Coffee Shop by Philip McCombie	<b>Small Area Plan:</b>	Old Town North

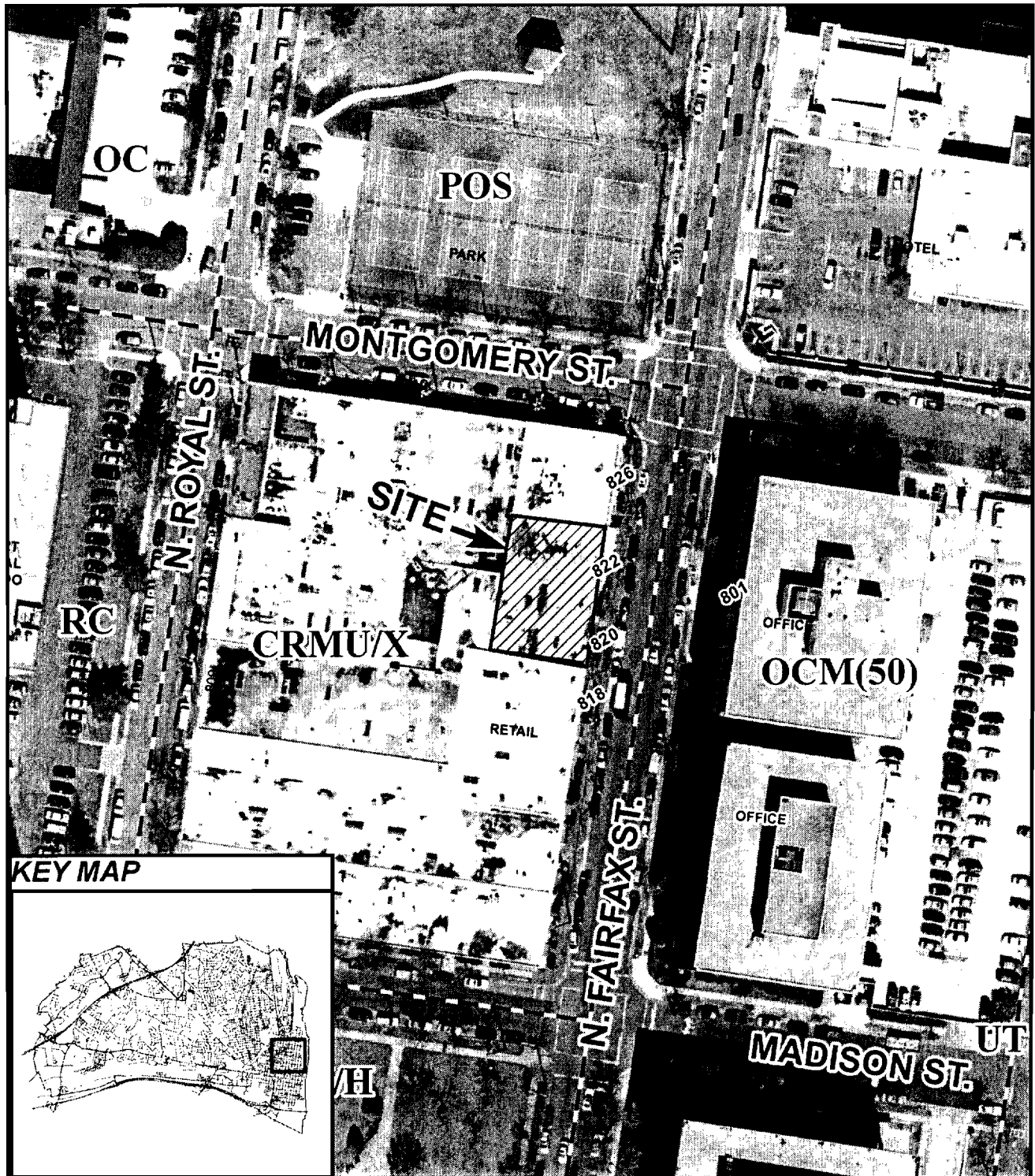
**Staff Recommendation:** APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

**Staff Reviewers:** Nathan Randall [nathan.randall@alexandriava.gov](mailto:nathan.randall@alexandriava.gov)

**PLANNING COMMISSION ACTION, MARCH 5, 2009:** 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.

**CITY COUNCIL ACTION:**



SUP #2008-0093

03/05/09



## I. DISCUSSION

### REQUEST

The applicant, Ms. Perky by Philip McCombie, requests approval of a special use permit amendment to expand an existing coffee shop/restaurant, add seating, and add on-premises alcohol service at 822 N. Fairfax Street.

### SITE DESCRIPTION

The subject property is one lot of record and is a part of the Montgomery Center, a one and two-story, mixed-use office/retail/warehouse building with 95,144 square feet of interior space. The Montgomery Center encompasses most of an entire city block with approximately 250 feet of frontage on Madison and Montgomery Streets, and 362 feet of frontage along North Fairfax and North Royal Streets. The restaurant currently occupies 1,237 square feet and will expand to a total of 2,300 square feet upon approval.



The surrounding area is occupied by a mix of office, commercial, and park uses. Immediately to the north is Montgomery Park. To the south and west are other commercial uses within the Montgomery Center. To the east are high-rise offices with ground-floor retail or personal service uses, including an AAA Travel Center.

### BACKGROUND

In June 1993 City Council approved Special Use Permit #2684, an “umbrella” Special Use Permit allowing a specified mix of uses at the Montgomery Center and providing a parking reduction of 270 spaces. On December 13, 1997, City Council granted Special Use Permit #97-0151 to Perks for the operation of a coffee shop/restaurant in the Center. At the same meeting, City Council also granted Special Use Permit #97-0153 amending the umbrella SUP, which increased the amount of space in the center for restaurant uses to a maximum of 5,000 square feet.

On June 12, 1999, City Council granted Special Use Permit #99-0056 allowing an increase in seating inside the restaurant to 23. On March 17, 2001, City Council approved Special Use Permit #2000-0146 to change the ownership to Ms. Perky LLC, offer additional food items for sale, and add outdoor seating. On December 14, 2001 staff administratively approved Special Use Permit #2001-0106, an amendment to allow on-premises food preparation. In November 2004, City Council approved SUP#2004-0080 to amend the umbrella SUP to increase the space in the Montgomery Center devoted to retail and restaurant uses and decrease personal service space. The resulting amount of space devoted to restaurant uses was 10,000 square feet. On September 15, 2007, City Council approved Special Use Permit #2007-0058, which amended the allowable square footage for retail and private commercial schools but did not affect the allocation for restaurants.

On February 17, 2009 staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

#### PROPOSAL

The applicant requests to expand its coffee shop/restaurant into the neighboring tenant space, increasing the square footage by approximately 1,100 square feet. This additional space will accommodate a new full-scale kitchen in which the applicant proposes to prepare fully-cooked breakfasts and lunches. The applicant seeks to expand the number of seats to 74 and add on-premises alcohol service.

Hours: 7:00am – 4:00pm, Monday – Friday  
8:00am – 4:00pm, Saturday & Sunday

Number of seats: 68 Indoor Seats  
6 Outdoor Seats (Existing)  
**74 Total Seats**

Type of Service: Carry-out and table service will be offered.

Alcohol: On-premises service only

Noise: Typical restaurant/kitchen operation noises are anticipated.

Trash/Litter: Excess food, paper products, and plastics are the expected trash items generated at the restaurant. The applicant proposes that trash will be picked up daily.

Smoking: The applicant agrees to voluntarily prohibit smoking inside the restaurant.

#### PARKING

Parking for the Montgomery Center is regulated through umbrella SUP #2007-0058 which approved a parking reduction of 270 spaces, the parking requirement under the allowed mix of uses for this site. Constructed in 1951 without parking, the Center has always operated without off-street parking. The parking reduction was intended to allow the Center to continue to operate as it had prior to its 1992 rezoning, while protecting the community from an intensification of uses.

The umbrella SUP allows carry-out restaurants to occupy a total of 10,000 square feet without providing additional parking or triggering the need for additional parking reductions. While the umbrella SUP specifies that this parking is approved for carry-out restaurants, this condition has been applied to full-service restaurants in the past. There are currently three restaurants located within the Center that comprise 6,187 square feet of floor area, with an additional 1,100 square

feet proposed in this SUP application. The total 7,287 square feet is within the anticipated restaurant space for the Center approved under the umbrella SUP.

With the approval of this application, the number of required parking spaces for the Montgomery Center will be 259, which is below the 270 space parking reduction approved by the umbrella SUP. It should be noted that additional or expanded uses within the Montgomery Center will likely cause the parking demand to surpass 270 spaces which would trigger the need for an amendment to the umbrella SUP.

#### ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-X/Commercial Residential Mixed Use zone (Old Town North). Section 5-403(V) of the zoning ordinance allows a restaurant in the CRMU-X zone only with a special use permit.

The Old Town North Small Area Plan chapter of the Master Plan anticipates redevelopment of the site and designates the property for Commercial residential mixed use.

## **II. STAFF ANALYSIS**

Staff supports the applicant's request to expand the existing restaurant, add alcohol service, and increase seating. While restaurants generally speaking have the potential for impacting neighborhoods, the applicant's proposal is reasonable and appropriate for this neighborhood. The applicant proposes to serve only breakfast, brunch, and lunch and intends to keep the restaurant open only from 7:00am until 4:00pm, though a long-standing condition from prior Special Use Permits has remained that will allow the restaurant to remain open until 7:00pm. Staff does not object to on-premises alcohol sales at this location, particularly given the relatively early closing hour. Conditions related to the existing outdoor dining at the restaurant have been amended or added such that they reflect citywide outdoor dining standards. Staff does not anticipate significant impacts from this restaurant but has recommended a number of other standard conditions, including an amended one-year review, intended to mitigate any potential impacts.

Subject to the conditions contained in Section III of this report, staff recommends approval of the applicant's request.

## **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) (SUP #97-0151)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall be 68. The maximum number of outdoor seats at the restaurant shall be 6. ~~That~~ Additional outdoor seating ~~could~~ can be provided as long as it meets

the approval of the Director of Planning staff & Zoning and does not obstruct the sidewalk. (P&Z) (City Council) (~~SUP#2000-0146~~)

3. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #97-0151)
4. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 7:00 A.M. to 7:00 P.M., daily. ~~The outdoor dining area shall be cleared of all diners by 6:00 P.M. and shall be cleaned and washed by 7:00 P.M.~~ (P&Z) (~~SUP#2000-0146~~)
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP #97-0151)
6. **CONDITION AMENDED BY STAFF:** On-premises alcohol service is permitted but no off-premises alcohol sales shall be allowed. ~~Alcoholic beverages are not permitted.~~ (P&Z) (~~SUP #97-0151~~)
7. No food, beverages, or other material shall be stored outside. (P&Z)(SUP #97-0151)
8. 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)(SUP #97-0151)
9. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)(SUP #97-0151)
10. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)(SUP #97-0151)
11. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, ~~and smoke and any other air pollution from operations at the site and prevent them from leaving the property to prevent them from~~ or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services and the Health Department. (Health) (T&ES) (~~SUP #97-0151~~)
12. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (P&Z)(~~SUP #97-0151~~)

13. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business. ~~and a robbery awareness program for all employees. (Police)(SUP #97-0151)~~
14. Condition deleted. (SUP #99-0056)
15. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year from this 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 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, 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#2000-0146)
16. **CONDITION AMENDED BY STAFF:** Applicant shall provide the City \$1150.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60-days of approval). ~~The applicant shall obtain, at its expense, one city trash container model SD-42 Bethesda Ironsides, for installation on the adjacent city right of way and shall contact T&ES Solid Waste Division (703-751-5130) for information. (T&ES) (SUP#2000-0146)~~
17. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2001-0106)
18. **CONDITION ADDED BY STAFF:** The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)
19. **CONDITION ADDED BY STAFF:** Outdoor seating areas shall not include advertising signage, including on umbrellas. (P&Z)
20. **CONDITION ADDED BY STAFF:** The applicant shall 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)(T&ES)
21. **CONDITION ADDED BY STAFF:** 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 and on how to prevent underage sales of alcohol. (P&Z)

22. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
23. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
24. **CONDITION ADDED BY STAFF:** 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
25. **CONDITION ADDED BY STAFF:** Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
26. **CONDITION ADDED BY STAFF:** Existing landscaping shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead, damaged, or missing plants as needed and as required on landscape plans. (RP&CA)

**STAFF:** Richard Josephson, Deputy Director, Department of Planning and Zoning;  
Nathan Randall, Urban Planner.

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**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:

- F-1 No proof of previous payment for litter receptacle received. (T&ES)
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
- R-6 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-7 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. (T&ES)
- R-8 Applicant shall provide the City \$1150.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60-days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)

- R-9 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- C-1 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).
- C-2 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. (T&ES)

Code Enforcement:

- F-1 The applicant has not provided a diagram showing the proposed outdoor dining seats or conditions.
- F-2 The applicant may be required to submit a change of use for the proposed expansion into 820 N. Fairfax Street.
- F-3 A new certificate of occupancy may be required.
- C-1 Alterations to the existing structure must comply with the 2006 edition of the Uniform Statewide Building Code (USBC).
- C-2 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-3 Construction permits are required for this project. Plans shall accompany the permit application that fully details the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-4 The proposed use is a change in use group classification; a new Certificate of Occupancy is required (USBC 116.1).
- C-5 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-6 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-7 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 508.
- C-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-9 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-10 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.
- F-1 This facility is currently operating as Perks Coffee Shop under an Alexandria Health permit, issued to Ms. Perky.
- C-2 This facility and all modifications must meet current Alexandria City Code requirements for food establishments.
- 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 Permits and/or approval must be obtained prior to operation.
- C-5 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.

- C-6 Certified Food Managers must be on duty during all hours of operation.
- C-7 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks and Recreation:

- R-1 Existing landscaping shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead, damaged, or missing plants as needed and as required on landscape plans. (RP&CA)
- C-1 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)

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.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.
- F-2 The Police Department has no objections to the expansion and additional seating.



## APPLICATION SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2008-0093

**PROPERTY LOCATION:** 822 N. FAIRFAX ST. ALEX. VA 22314

**TAX MAP REFERENCE:** 55.03 - 01 - 05 **ZONE:** CRMC - X

**APPLICANT:**

**Name:** MS. PERKY, LLC. T/A PERK'S COFFEE SHOP

**Address:** 501 SLATERS LANE #701 ALEX. VA 22314

**PROPOSED USE:** COFFEE SHOP & CAFE.

EXPANSION PLUS ADDITIONAL SEATING  
☒ **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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

☒ **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.

PHILIP D. MCCOMBIE  
Print Name of Applicant or Agent

501 SLATERS LANE #701  
Mailing/Street Address

ALEXANDRIA VA 22314  
City and State Zip Code

[Signature] 12/15/08  
Signature Date  
(o) 703 706 5886  
(h) 703 566 0834 703 706 5886  
Telephone # Fax #

TCTTNM61@COMCAST.NET  
Email address

**ACTION-PLANNING COMMISSION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACTION-CITY COUNCIL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 822 N FAIRFAX ST. ALEX. VA 22314, I hereby  
 (Property Address)  
 grant the applicant authorization to apply for the EXPANSION OF COFFEE SHOP use as  
 (use)  
 described in this application.

Name: BRUCE M. MACHANIC - MRE PROP Phone: 703 836 8066

Please Print

Address: 300 MONTGOMERY ST. ALEX. VA 22314 Email: \_\_\_\_\_

Signature: Bruce Machanic Date: 2/15/02

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. 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 or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

PHILIP D. MCCOMBIE IS 99% OWNER OF  
MS. PERKY, LLC AND IS ALSO THE  
MANAGING MEMBER.

MRE PROPERTIES, 300 MONTGOMERY ST, OWNS PROPERTY.

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.

**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 fully discuss the nature of the activity. (Attach additional sheets if necessary.)

The current operation is as determined by SUP 2001-0106.  
The requested change is to expand by occupying the adjoining unit at 820 N. Fairfax St. Intention is to provide a working kitchen so as to be able to provide full-cooked breakfasts and lunches, including week-end brunch. Location for kitchen with appropriate outlet for a hood has already been agreed by contractor and landlord.  
Current service provided by Perk's Coffee Shop will be retained. Number of seats will approximately double to about 68 seats inside.

**USE CHARACTERISTICS**

4. The proposed special use permit request is for (check one):
- ☐ a new use requiring a special use permit,
- ☐ an expansion or change to an existing use without a special use permit,
- ☒ an 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).

Avge. of 140/day, seven days per week.

\_\_\_\_\_

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

4/day.

\_\_\_\_\_

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

Day:	Hours:
<u>MON → FRI</u>	<u>7 AM → 4 PM</u>
<u>SAT</u>	<u>8 AM → 4 PM</u>
<u>SUN</u>	<u>8 AM → 4 PM</u>
_____	_____

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

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

None. Just regular kitchen operation.

\_\_\_\_\_

- B. How will the noise be controlled?

N/A.

\_\_\_\_\_



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

Standard hood operation for a commercial  
kitchen. No odors.

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? (i.e. office paper, food wrappers)

Excess food, plus paper & plastic products from  
patrons, cardboard boxes from delivery

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

A couple or three large black trash bags  
per day, plus flattened boxes.

- C. How often will trash be collected?

Daily by a private contractor (already in  
place)

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

On-premise patrons have many trash cans  
to choose from.

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:

Oven cleaners and degreasers as required.  
Disposal as per City hazardous waste code.

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

Disposal as above, after hours.

### ALCOHOL SALES

13.

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

☒ Yes      ☐ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

ABC License will be for "Beer & Wine"  
sales only, and "On-Premise" only.

**PARKING AND ACCESS REQUIREMENTS**

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

0 Standard spaces  
0 Compact spaces  
0 Handicapped accessible spaces.  
0 Other.

*\* Parking covered by MRE Properties "umbrella" agreement with the City.*

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (check one)

☐ on-site

☐ off-site

*N/A*

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

**PLEASE NOTE:** 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.

- C. 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.

☐ Parking reduction requested; see attached supplemental form

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

- A. How many loading spaces are available for the use? 1

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

B. Where are off-street loading facilities located? Loading bay  
located outside 816 N. Fairfax St.

C. During what hours of the day do you expect loading/unloading operations to occur?  
Random, depending on suppliers schedule.

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

Once per day, on average.

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?

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? \_\_\_\_\_ square feet.

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

1,200 sq. ft. (existing) + 1,100 sq. ft. (addition if any) = 2,300 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: THE MONTGOMERY CENTER

End of Application

SUP #

208-013



# APPLICATION

## RESTAURANT

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

1. How many seats are proposed?

Indoors: 68 Outdoors: 6 Total number proposed: 74

2. 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 X No

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

Existing soups, salads & sandwiches. Added will be  
full cooked breakfasts & lunches including pancakes,  
omelettes, burgers, cheesesteaks, meatloaf, etc.

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

✓ table service X bar ✓ carry-out X delivery

5. 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?

\_\_\_\_\_

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?

       Yes X No

If yes, please describe:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Parking impacts.** Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
  - ☐ 100%
  - ☐ 75-99%
  - ☐ 50-74%
  - ☐ 1-49%
  - ☒ No parking can be accommodated off-street
  
2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
  - ☐ All
  - ☐ 75-99%
  - ☐ 50-74%
  - ☐ 1-49%
  - ☒ None
  
3. What is the estimated peak evening impact upon neighborhoods? (check one)
  - ☒ No parking impact predicted
  - ☐ Less than 20 additional cars in neighborhood
  - ☐ 20-40 additional cars
  - ☐ More than 40 additional cars

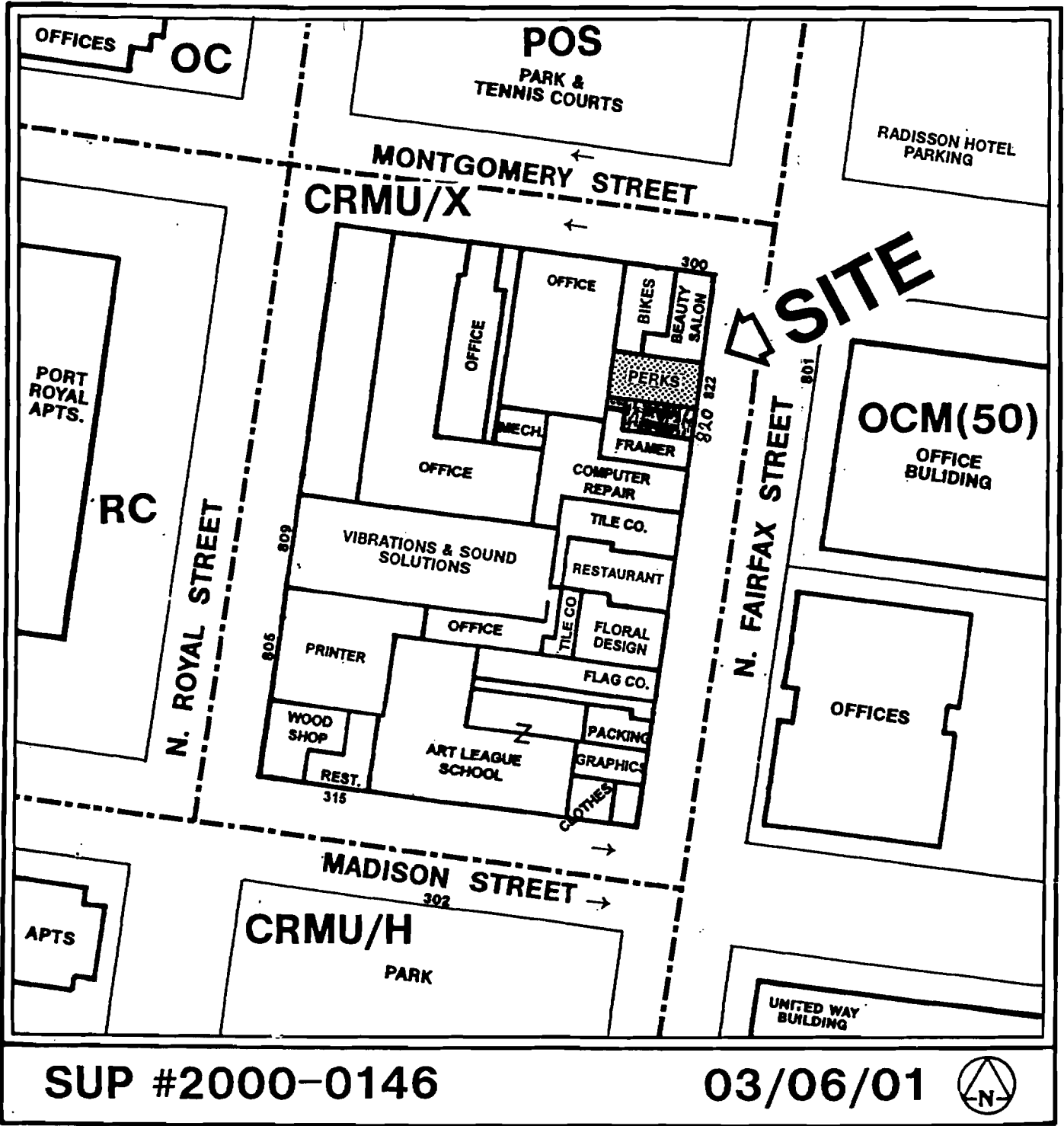
**Litter plan.** The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

**Alcohol Consumption and Late Night Hours.** Please fill in the following information.

1. Maximum number of patrons shall be determined by adding the following:
 

+ <u>74</u>	Maximum number of patron dining seats
+ <u>0</u>	Maximum number of patron bar seats
+ <u>0</u>	Maximum number of standing patrons
= <u>74</u>	Maximum number of patrons
  
2. 4 Maximum number of employees by hour at any one time
  
3. Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)
  - ☒ Closing by 8:00 PM
  - ☐ Closing after 8:00 PM but by 10:00 PM
  - ☐ Closing after 10:00 PM but by Midnight
  - ☐ Closing after Midnight
  
4. Alcohol Consumption (check one)
  - ☐ High ratio of alcohol to food
  - ☐ Balance between alcohol and food
  - ☒ Low ratio of alcohol to food

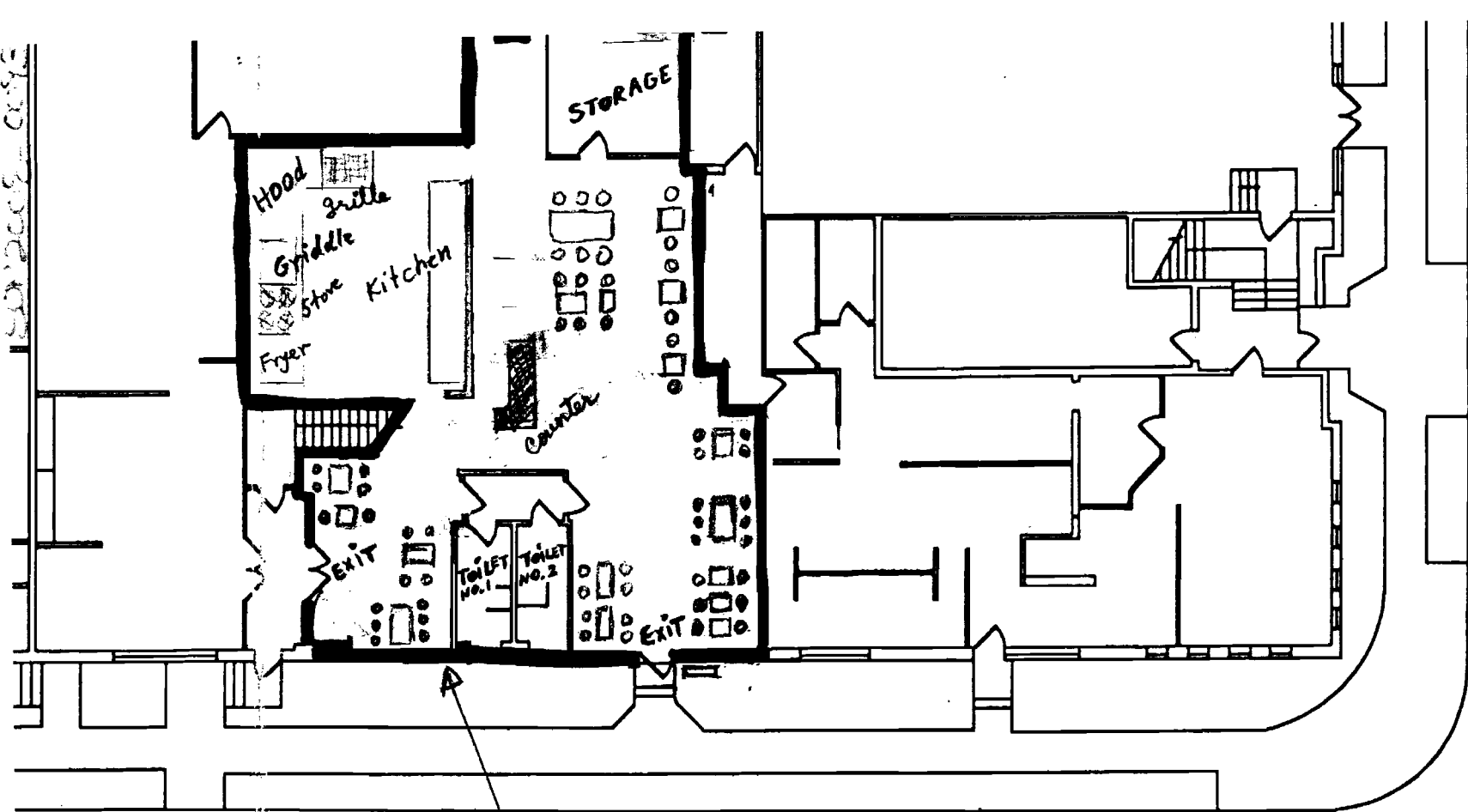
The subject property and surrounding land uses are shown on the sketch below



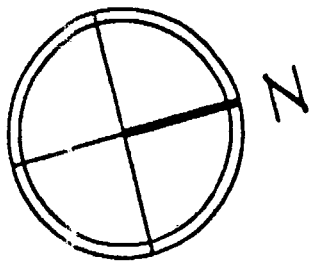
SUP #2000-0146

03/06/01





h2



**Perkas** Coffee Shop & Cafe  
820/822 N. Fairfax St.  
Applicant: Philip D. McCombie  
for Ms. Perky, LLC  
Approx 2,300 sq. ft.



GRAPHIC SCALE

REV. 08/20/99





## APPLICATION SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2008-0093

**PROPERTY LOCATION:** 822 N. FAIRFAX ST. ALEX. VA 22314

**TAX MAP REFERENCE:** 55.03 - 01 - 05 **ZONE:** CRMU-X

**APPLICANT:**

**Name:** MS. PERKY, LLC. T/A PERK'S COFFEE SHOP

**Address:** 501 SLATERS LANE #701 ALEX. VA 22314

**PROPOSED USE:** COFFEE SHOP & CAFÉ.

EXPANSION PLUS ADDITIONAL SEATING

✓ **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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

✓ **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.

PHILIP D. McCOMBIE

Print Name of Applicant or Agent

*Philip D. McCombie*

Signature

12/15/08

Date

501 SLATERS LANE #701

Mailing/Street Address

(c) 703 706 5886  
(H) 703 566 0834

Telephone #

703 706 5886

Fax #

ALEXANDRIA VA 22314

City and State

Zip Code

TCTTNM61@COMCAST.NET

Email address

By unanimous consent, recommended approval 7-0 3/5/09  
**ACTION-PLANNING COMMISSION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACTION-CITY COUNCIL:** CC approved PC recommendation 7-0 3/14/09 **DATE:** \_\_\_\_\_