

Docket Item #12
SPECIAL USE PERMIT #2004-0017

Planning Commission Meeting
May 4, 2004

ISSUE: Consideration of a request for a special use permit amendment to allow for the expansion of a restaurant and a parking reduction.

APPLICANT: Cameron Perks Coffeehouse
by Michael Fleming

LOCATION: 4911-13 Brenman Park Drive

ZONE: CDD-9/Coordinated Development District

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

I. DISCUSSION

REQUEST

The applicant, Michael A. Fleming, requests special use permit expansion of the existing restaurant/coffeeshop located at 4911 Brenman Park Drive and a parking reduction.

SITE DESCRIPTION

The subject property is part of one lot of record with approximately 200 feet of frontage on Somerville Street, approximately 470 feet of frontage on Brenman Park Drive. The site is developed with two four story buildings consisting of ground floor retail and personal service space and three floors of residential space above, as anticipated by the approved plan for Cameron Station Phase I. The subject business is currently occupying 1,017 square feet of space on the northwest corner of Brenman Park Drive and Comay Terrace and is proposed to expand into the adjacent 1,044 square feet tenant space. Surrounding uses include a day spa, dry cleaner, dentist office, market and a pets retail store. South of the subject property is Phase III of Cameron Station which is still under construction. Phase III is proposed to be occupied by mixed uses with retail on the first floor, and residential above. An application for a restaurant (SUP#2004-00016) to occupy the southwest corner of Brenman Park Drive and Somerville Street is also before the Planning Commission in May 2004.

CURRENT RESTAURANT CHARACTERISTICS

The applicant is operating a coffeehouse with 21 seats, including six seasonal outside seats, that serves coffee, specialty beverages, fountain drinks, pastries and desserts, soups and salads (see attached menu). All food is prepared off-site. The applicant does not sell any alcohol, nor does it currently provide entertainment. The approved hours of operation for the coffeehouse are from 6:00 A.M. to 11:00 P.M. daily. Between 100 and 150 customers patronize the business per day. The coffeehouse is operated by the applicant and three part-time employees.

Trash consists mainly of coffee grounds, cups, and napkins. In accordance with the approved site plan, the applicant uses a trash compactor which is located behind the loading space on the east side of Comay Terrace across the street from the coffee shop, and which is shared by businesses on Brenman Park Drive and emptied three times a week. Trash bins are provided outside near the front door.

Small delivery trucks deliver baked goods to the café early each morning. Business supplies are delivered once a week. Loading occurs immediately in front of the business.

PROPOSED EXPANSION OF THE RESTAURANT

The applicant proposes to add the commercial space at 4913 Brenman Park Drive to its current location at 4911 Brenman Park Drive and seeks permission to add 36 seats to the approved coffeehouse, twelve of which are seasonal outdoor seats. The existing and proposed space will be connected through a large french door. The applicant states that the expansion is primarily proposed

to accommodate the daily demand for additional seating for local patrons, which will significantly increase with the opening of the condominium buildings in Phase III.

In addition, the applicant seeks permission to amend condition # 4 to allow entertainment in the form of a small three-piece ensemble several times per month. The entrance door will be closed at all times and no outdoor speakers are proposed.

No other changes are proposed to the operation of the restaurant.

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.

PARKING

The existing coffee shop occupies 1,017 square feet and complies with the technical parking requirement. This application proposes to add 1,044 square feet of commercial space to the coffee shop. The technical parking requirement for a restaurant is one space for every four seats. In this case, the restaurant is proposing 24 additional indoor seats, and twelve seasonal outdoor seats, which requires nine spaces.

The number of parking spaces for the commercial space within Phase I and III of Cameron Station was determined at the approval of each phase and calculated in accordance with the Zoning Ordinance through two ratios: (1) the parking ratio assumed for the retail space is 1.2 spaces for every 210 square feet of floor area, and (2) the parking ratio assumed for the personal service space is 1 spaces for every 400 square feet of floor area. Based on the floor area proposed to be dedicated to these uses, a total of 41 parking spaces has been provided for the commercial spaces within Phase I and a total of 47 parking spaces has been provided for the commercial spaces within Phase III, all consistent with those zoning ordinance ratios. Brenman Park Drive has been designed to accommodate short term public parking on both sides of the street and around the large median.

In an effort to distribute the dedicated parking spaces evenly among uses that were not included in the initial parking calculation for 'retail' or 'personal services', such as restaurants and professional offices, and in order to maintain sufficient parking for a variety of future uses, staff conducted a parking analysis and found that the size of the tenant space and the equal application of both retail and personal services ratio are reasonable approaches for the calculation and allocation of parking spaces. In this case, the applicant is occupying 1,044 square feet, which, if halved for purposes of allocating spaces from the amount provided, would require two parking spaces for a personal services use ($522 \text{ sf.} / 400 = 2$) and three spaces for a retail use ($522 \text{ sf.} / 210 \times 1.2 = 3$). Staff compared the number of spaces required for the restaurant (nine) to the number of spaces required by the retail and personal services ratio (five), resulting in a deficit of four spaces. Therefore, the applicant is requesting a parking reduction of four spaces.

ZONING / MASTER PLAN

The subject property is located in the CDD-9/Cameron Station zone which permits residential, retail, open space and public school uses. The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for CDD-9 uses.

II. STAFF ANALYSIS

Staff supports the proposed expansion of the coffeehouse located at 4911 Brenman Park Drive into the space at 4913 Brenman Park Drive and recommends approval of the parking reduction. This use is the type of pedestrian oriented, neighborhood serving use envisioned for the retail spaces in Cameron Station. The applicant is proposing outdoor seating which will enliven the streetscape during summer months.

Staff supports the parking reduction and agrees with the applicant that the typical patron is a Cameron Station resident who comes to the coffeehouse either on foot or on bicycle, thus reducing the hypothetical parking demand. Other city residents who utilize the recreational and parking facilities in Ben Brenman Park will be within walking distance of the coffeehouse and will not require additional parking in the neighborhood. With the opening of the condominium building in Phase III, located directly across the street, the applicant will gain customers without any need for parking spaces.

Staff has retained the standard restaurant conditions and a condition requiring a review of the restaurant addition after it has been operational for one year. At that time, if there are violations or parking problems as a result of the additional seats, additional conditions may be imposed. With these conditions, staff recommends approval of the special use permit.

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 #2003-0061)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than ~~21~~ 57 patrons inside and outside. (P&Z)

3. **CONDITION AMENDED BY STAFF:** 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 and wash the seating area at the close of each day of operation. (P&Z)
4. **CONDITION AMENDED BY STAFF:** ~~No live entertainment shall be provided at the restaurant.~~ Indoor live entertainment shall be permitted in form of small musical ensembles to the extent that no amplified sound is audible outside the restaurant. No admission or cover fee shall be charged. (P&Z)
5. **CONDITION AMENDED BY STAFF:** ~~The hours of operation shall be limited from 6:00 a.m. to 11:00 P.M. daily. (P&Z) (SUP #2003-0061)~~ The closing hours for indoor seating shall be 12:00 midnight daily, the closing hours for the outdoor seating shall be 10:00 P.M. daily. (P&Z)
6. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP #2003-0061)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2003-0061)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2003-0061)
9. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z) (SUP #2003-0061)
10. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP #2003-0061)
11. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2003-0061)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2003-0061)

13. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP #2003-0061)
14. No amplified sound shall be audible at the property line. (P&Z) (SUP #2003-0061)
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) (SUP #2003-0061)
16. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP #2003-0061)
17. The applicant shall require that its employees park off the street. (P&Z) (SUP #2003-0061)
18. **CONDITION AMENDED BY STAFF:** 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 a result of a complaint that rises to the level of a violation of the permit conditions, 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)
19. **CONDITION ADDED BY STAFF:** No alcohol service shall be permitted. (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)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Bettina Irps, 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:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-3 No amplified sounds shall be audible at the property line.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 An updated fire prevention code permit is required for the proposed expansion of operations. A revised 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. 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-4 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- C-5 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

- C-6 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-7 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 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/modifications. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-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.
- C-8 Proposal for outdoor dining requires that the food must be protected to the point of service.

F-1 This facility is currently operating as Cameron Perks Coffee House under Alexandria Health permit, issued to Cameron Perks Coffee House, LLC.

Police Department:

- F-1 The applicant is not requesting an ABC permit. The Alexandria Police Department concurs with that.
- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.