

Docket Item #8
SPECIAL USE PERMIT #2004-0070

Planning Commission Meeting
September 9, 2004

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

APPLICANT: Starbucks Coffeehouse
by Shanna Ruhl

LOCATION: 2459 Eisenhower Avenue (Parcel Address: 2461 Eisenhower Avenue)

ZONE: CDD/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.

SUP#2004-0070
2459 Eisenhower Avenue

SITE GRAPHIC

I. DISCUSSION

REQUEST

The applicant, Starbucks Coffeehouse by Shanna Ruhl, requests special use permit approval for the operation of a restaurant located at 2459 Eisenhower Avenue.

SITE DESCRIPTION

The subject property is part of what is known as the Hoffman Town Center and is developed with the Hoffman office buildings (Hoffman I and II), with one-story retail and restaurant space that wraps around the south and east sides of the buildings, and a crescent-shaped pedestrian plaza oriented toward Swamp Fox Road. The subject tenant proposes to occupy a 1,619 square foot tenant space facing Eisenhower Avenue. Some of the remaining retail space is still vacant, however, there is a Bread and Chocolate Restaurant, Cold Stone Creamery, a barber shop and dry cleaner located northeast of the subject tenant space along the pedestrian plaza. In May of 2004, City Council approved Ted's Montana Grill to occupy 5,398 square feet of floor area directly east of the subject site.

SURROUNDING USES

In addition to the immediate retail tenant spaces along the pedestrian plaza, surrounding uses include Ruby Tuesday's restaurant, the San Antonio Grill restaurant, a movie theater, surface parking and offices. The Eisenhower Metrorail station is located southeast of the subject property.

PROJECT DESCRIPTION

The applicant requests special use permit approval to operate a restaurant ("Starbucks Coffeehouse") with up to 40 seats, including 16 outdoor seats. The outdoor seating will be situated in the corner created by the tenant space and the office building and along the window front facing Eisenhower Avenue. The tables and chairs will not be permanent in nature and aligned in a way that maintains sufficient sidewalk clearance. The restaurant will offer prepackaged sandwiches, salads, and pastries in addition to coffee and espresso beverages. No alcoholic beverages will be offered. Carry-out service will be available, but no delivery service is proposed.

Hours of Operation: The restaurant is proposed to be open between 6:00 A.M. and 9:00 P.M. daily. Although the applicant has not requested to be open beyond 9:00 P.M., staff recommends allowing the operation to be open until 1:30 A.M. to provide flexibility for the applicant. The later hours are consistent with the hours of operation of the nearby San Antonio Grill and the future Ted's Montana Grill.

Employees/patrons: The business will be operated by 4 employees at any one time. The applicant expects 350 patrons during the morning hours, 150 patrons during the afternoon, and 100 patrons in the evening.

Trash: Trash will mainly consist of paper and plastic utensils and cups, pastries, milk and coffee disposal. Trash will be collected every three days from the main dumpster. City trash cans are located in the pedestrian plaza to control litter. In addition, the business management will provide trash cans inside and outside the coffeehouse and monitor the property to limit littering.

Loading: Loading is anticipated to occur between 5:00 A.M. and 7:00 A.M. The loading area is located at the rear of the building between Hoffman Buildings #1 and #2.

SUP HISTORY

On June 13, 1998, City Council granted Special Use Permit #98-0042, with site plan, to construct a theater with retail and restaurant uses. Condition #2 of that special use permit states that each restaurant is required to obtain a separate special use permit for operation. On October 14, 2000, City Council approved DSUP #2000-0028 amending SUP#98-0042 to add an office building and parking garage on existing surface parking behind the movie theaters, and add facade details for the subject property.

PARKING

Pursuant to Section 8-200 of the zoning ordinance, the proposed restaurant is required to provide 10 spaces; one space for every four seats. Parking requirements for the subject restaurant space were analyzed and met under the special use permit approved in 1998 for the theater building and pedestrian plaza area at the Hoffman office buildings (SUP#98-0042).

The parking requirement for the theater, retail and restaurant uses is 1,741 parking spaces. The office buildings (Hoffman I and II) require 1,523 parking spaces. The total parking requirement is 3,264 parking spaces. There are currently 2,724 spaces, 540 fewer than required. This reduced number of parking spaces should, however, suffice since the theater and office uses have different peak usage times and can share parking. Future plans include a 3,000 space parking garage that will replace most of the surface spaces (DSUP#2000-0028).

ZONING / MASTER PLAN

The subject property is located in the CDD-2/Coordinated Development District. According to Section 5-602 of the zoning ordinance, the underlying zoning of the CDD-2 zone is OC/Office Commercial. According to Section 4-803 (AA) of the zoning ordinance, a restaurant is allowed in the OC zone only with a special use permit. The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for commercial uses.

II. STAFF ANALYSIS

Staff supports the proposed restaurant located at 2459 Eisenhower Avenue. Restaurant uses were a part of the original development concept and are supported today by staff. The proposed restaurant is compatible with the nearby theater and office uses. It will provide a convenient coffee and food service establishment for daytime office users, but will also provide another destination for the theater and restaurant patrons during the evening, creating a more lively, active environment. The proposed restaurant is consistent with the Eisenhower East Small Area Plan which envisions a vibrant mix of retail and restaurant uses in a new town center approach at Hoffman.

Staff has included the standard restaurant conditions and a condition requiring a review of the restaurant after it has been operational for one year. 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).
2. Seating shall be provided for no more than 40 patrons. (P&Z)
3. Outside dining is permitted on private property in accordance with the attached plan. The applicant shall ensure that pedestrian access past the outdoor seating area is provided per City codes and that the outdoor seating area is cleaned at the close of each day of operation. At least two landscape planters of a style and at a location approved by the Department of Planning and Zoning shall be placed in the area devoted to the outdoor seating area, to include four seasons of plants. (P&Z)
4. No alcohol service shall be permitted. (P&Z)
5. No live entertainment shall be provided on the premises. (P&Z)
6. The closing hours shall be 1:30 P.M. daily. (P&Z)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)

8. No food, beverages, or other material shall be stored outside. (P&Z)
9. 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)
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)
11. The applicant shall install at least one trash container both within and outside the restaurant for customers' use. (P&Z)
12. All disposable paper goods or drink containers shall be clearly marked so that the source of any litter can be identified. (P&Z)
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
14. 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)
15. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
16. 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)
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 require its employees who drive to work to use off-street parking. (P&Z)

19. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees and a security survey for the business, which is to be completed prior to the business opening. (Police)
20. 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)
21. 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)
22. 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 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: Eileen Fogarty, Director, Department of Planning and Zoning;
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:

- 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 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)
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.(T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line

Code Enforcement:

- C-1 The applicant must obtain a Certificate of Occupancy prior to occupancy (use) of the structure (USBC 119.1).
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- 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 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 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- 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.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans are to 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 review of plans for food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5 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.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department 703-838-4520 regarding a security survey for the business prior to opening.
- 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.
- F-1 The applicant is not requesting an ABC permit. The Alexandria Police concurs with this.

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**