

Docket Item #4  
SPECIAL USE PERMIT #2004-0080

Planning Commission Meeting  
November 4, 2004

**ISSUE:** Consideration of a request for a special use permit amendment to change the allowable square foot area for restaurants, personal service uses, and new businesses.

**APPLICANT:** MRE Properties, Inc.  
by Bruce Machanic

**LOCATION:** 300 Montgomery Street  
The Montgomery Center

**ZONE:** CRMU-X/Commercial Residential Mixed Use

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**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, MRE Properties, Inc., by Bruce Machanic, requests an amendment of the Montgomery Center umbrella special use permit to increase the allowed square foot area for restaurants, to decrease the allowed square foot area for personal service uses, and to allow new businesses to occupy more than 5,000 square feet without a special use permit amendment if they do not constitute a change in use.

### SITE DESCRIPTION

The subject property is one lot of record which encompasses most of an entire city block with approximately 250 feet of frontage along Madison and Montgomery Streets, and 362 feet of frontage along North Fairfax and North Royal Streets. The Montgomery Center is a collection of one and two story office/retail/warehouse buildings with 95,701 square feet of interior space. The center has a wide range of uses, including retail, personal service, office and restaurant uses.

### BACKGROUND

In June, 1993, City Council approved Special Use Permit #2684 allowing a specified mix of uses to operate on the property and relieving the applicant of the requirement to secure an individual special use permit for every new tenant. The permit also contains a parking reduction for 270 spaces, the maximum parking requirement possible under the allowed mix of uses. Two years after the permit was issued, City Council reviewed and reapproved the permit (SUP 95-0057). In December, 1996, Council added 15,000 square feet of commercial school use to the preapproved list of uses covered by the special use permit to allow the Art League to occupy space in the complex (SUP 96-0111). That permit was reviewed as required one year after approval (SUP 97-0153), at which time the SUP was also amended to increase the floor area allowed for restaurants from 3,000 to 5,000 square feet.

### PROPOSAL

The applicant requests approval of the following amendments to the Montgomery Center's umbrella special use permit:

1. To increase the total amount of restaurant space allowed without parking by the overall special use permit to 10,000 square feet. Currently, the umbrella-SUP permits 5,000 square feet of "carry-out restaurant" space, which is an amendment to the original 3,000 square feet, the amount that was in existence when the permit was first issued.
2. To allow a piano retail establishment to occupy 5,850 square feet of office area (see attached table), and, in the future, to require an umbrella-SUP amendment for new businesses that occupy more than 5,000 square feet *only* if they constitute a change

in use. Currently, an amendment to the umbrella SUP is required for all businesses occupying more than 5,000 square feet, even if they do not constitute a change in use.

3. To decrease the allowed square foot area for a personal service uses from 35,000 square feet to 25,000 square feet in order to add the additional restaurant space.

Approval of these requests would allow restaurants and coffee shops to occupy former personal service tenant spaces (conditioned upon separate special use permit approval) as shown in the attached table. In addition, the piano retail store would be permitted to occupy the former office tenant space at 318 Montgomery Street, and upon approval of this umbrella-SUP amendment, new uses that occupy more than 5,000 square feet but do not constitute a change in use would be allowed to operate without an umbrella SUP amendment, but the maximum allowable floor area for retail or office uses will still apply.

The following table shows the permitted existing and proposed allowable floor areas for the respective uses:

<u>Use Categories</u>	<u>Existing Maximum Floor Area (in sf)</u>	<u>Proposed Maximum Floor Area (in sf)</u>
Office	50,000	50,000
<b>Personal service</b>	<b>35,000</b>	<b>25,000</b>
Retail	20,000	18,000
<b>Restaurant</b>	<b>5,000</b>	<b>10,000</b>
Commercial School	15,000	15,000

#### PARKING

A parking reduction for 270 spaces, the parking requirement under the allowed mix of uses, was approved as part of the special use permit for this site. Constructed in 1951 without parking, the Center has always operated without 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 parking requirement for the amount of personal service area that is proposed to be eliminated by this approval totals 25 spaces ( $10,000 / 400 = 25$ ). From a parking standpoint, the reduction of that space would allow the addition of a restaurant with 100 seats ( $25 \times 4 = 100$ ), or, the addition of coffee shops with fewer seats and expansions of existing restaurants for a total of 100 seats.

The applicant's requests to allow new businesses to occupy more than 5,000 square feet of floor area (with or without requiring an umbrella-SUP amendment) will not influence the technical parking reduction and/or demand, because the applicant is still required to adhere to the same maximum allowable floor areas for retail, office and school uses. However, in reality, the parking demand

might even be relieved, considering that a piano retail establishment is proposed to replace 5,850 square feet of office area. As a technical matter, the Zoning Ordinance would require 12 spaces for the office use and 28 spaces for the retail use. Both parking demands are accommodated in the Center's parking calculation/reduction, but in reality, the piano store will have less customers on a daily basis than employees working in and clients visiting an almost 6,000 square feet office space. Therefore, staff finds that the proposed amendment will not have a negative impact on the parking situation in the surrounding neighborhood.

#### ZONING/MASTER PLAN DESIGNATION

The subject property is zoned CRMU-X/Commercial Residential Mixed Use (Old Town North). All uses other than some residential uses require a special use permit in the CRMU-X zone. The proposed use is consistent with the Old Town North Small Area Plan chapter of the Master Plan which designates the property commercial residential mixed use. The small area plan calls for long term redevelopment of the site in residential uses; however, in the interim a wide range of uses are permitted with a special use permit.

## **II. STAFF ANALYSIS**

Staff has no objection to the proposed change in uses at the Montgomery Center. Staff is unaware of any problems related to the operation of the Center and believes additional pedestrian-oriented restaurant space and retail uses are good additions to the mix of commercial uses in Old Town.

Staff continues to have some concerns about the parking needs of the Center. Parking studies in the past and recent visits in the area have shown that ample parking spaces are available in the evenings but very few during the weekdays. On the other hand, staff does not believe that this situation is new, or attributable to any particular uses allowed at the Montgomery Center. Furthermore, staff does not believe that the particular change requested will adversely affect the parking situation in the vicinity of the Center, especially considering that the existing restaurants are mostly patronized from people residing and working in the surrounding area, many of whom walk to the Center.

Staff recommends approval of the special use permit with the minor changes proposed and revised standard conditions.

### 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 corporation in which the applicant has a controlling interest. (P&Z) (SUP 2684)
2. **CONDITION AMENDED BY STAFF:** This special use permit allows the following special uses within the existing Montgomery Center buildings: ~~(P&Z) (SUP#97-0153) (P&Z)~~
  - a. office - up to 50,000 sq.ft.
  - b. personal service - up to ~~35,000 sq.ft.~~ 25,000 sq.ft.
  - c. retail - up to 20,000 sq.ft. (including 5,850 sq.ft. at 318 Montgomery Street, subject to approval of the Director of Code Enforcement)
  - d. carry-out restaurant - up to ~~5,000 sq.ft.~~ 10,000 sq.ft.  
(This use is included so that the applicant does not have to amend this SUP each time a new restaurant is added. The owner/operator of any new restaurant shall still be required to obtain a separate special use permit.)
  - e. commercial school - up to 15,000 sq.ft.  
and up to 78 students.
3. **CONDITION AMENDED BY STAFF:** ~~Only new businesses occupying 5,000 sq.ft. or less are permitted under this special use permit; larger businesses~~ New businesses that occupy more than 5,000 square feet and constitute a change in use shall require an amendment to this special use permit. (P&Z) (SUP 2684) (P&Z)
4. A parking reduction is granted for up to 270 spaces, including the four spaces waived in January 1992 for the Old Town Baker under SUP #1622-B. This waiver applies only to office, personal service, retail, commercial school and carry-out uses accommodated within the existing building and within the size limitations set out under Condition #2 above. (P&Z) (SUP 2684)
5. **CONDITION AMENDED BY STAFF:** Each new business shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and a robbery awareness program for all employees. ~~(Police)~~ (SUP#97-0153) (P&Z)
6. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after ~~operation~~ approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there

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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, 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#97-0153) (P&Z)~~

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Bettina Irps, 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 objections.

##### Code Enforcement:

F-1 No comments.

##### Health Department:

C-1 An Alexandria Health Department Permit is required for all regulated facilities.

C-2 Permits are non-transferable.

C-3 Permits must be obtained prior to operation.

C-4 Five sets of plans are to be submitted to and approved by this department prior to construction of any facility regulated by the health department.

C-5 Plans for food facilities 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-6 Pool plans must comply with Title 11, Chapter 11, Swimming Pools, Tourist establishment pools must have six(6) sets of plans submitted.

C-7 Personal grooming facilities must comply with Title 11, Chapter 7, Personal Grooming Establishments.

C-8 Tanning Salons must meet State Code Title 59.1, Chapter 24.1, Tanning Facilities.

C-9 Massage facility plans must comply with Title 11, Chapter 4.2, Massage Regulations. All massage therapists must possess a current massage therapist certification, issued by the Commonwealth of Virginia in accordance with the Code of Virginia Chapter 599, 54.1-3029 and must possess an Alexandria Massage permit in accordance with Alexandria City Code Title 11, Chapter 4.2 prior to engaging in any massage activity.

- C-10 Coin-operated dry cleaning facility plans must comply with Title 9, Chapter 4, Coin operated Dry Cleaning Establishments.
- C-11 Coin-operated laundry plans must comply with Title 9, Chapter 5, Coin Operated Laundries.
- C-12 Hotels/Motels must comply with State Code 35.1, Hotels Restaurants, Summer Camps, and Campgrounds.
- C-13 Marina plans must comply with the provisions of Section 32.1-246 of the Code of Virginia. Information to be included in the plans submitted is to be as required by the Code of Virginia.
- C-14 Food must be protected to the point of service at any outdoor dining facility.

Police Department:

- F-1 No objections as long as restaurants are required to submit a Special Use Permit for department review.
- R-1 Each new business shall 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.