Docket Item #4

SPECIAL USE PERMIT #2004-0080

Planning Commission Meeting November 4, 2004

Consideration Consideration of a Consideration of a request Consideration of a request for a s **ISSUE:** 

allowableallowable square foot area for restaurants, personal service uallowable square

businesses.

MRE Properties, Inc. **APPLICANT:** 

by Bruce Machanic

**LOCATION:** 300 Montgomery Street

The Montgomery Center

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

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

#### I. DISCUSSION

## REQUEST

The The applicant, MRE Properties, Inc., by Bruce Machan The applicant, MRE Properties, Inc., by B Montgomery Montgomery Center umbrella special use permit to increase the allowed square foot area for restaurants, restaurants, to decrease the allowed square foot area for personal service uses, and trestaurants, to decrease to occupy more than 5,000 square feet without a special businesses to occupy more than 5,000 not constitute a change in use.

## SITE DESCRIPTION

The The subject property The subject property iThe subject property is one lot of record which encompasses a approximately 250 approximately 250 feet approximately 250 feet of frontage along Madison and Mo alongalong North Fairfax and North Royal Streets. The Montgomery C storystory office/retail/warehouse buildings with 95,701 square feet of interior space. The center hstory office/retail/warehouse buildings with 95,701 square feet of interior space. The center hstory office/retail/warehouse buildings with 95,701 square feet of interior space.

## **BACKGROUND**

InIn June, 1993, City Council approved Special Use Permit #2684 alIn June, 1993, City Council approved Special toto operate on the property and relieving the applicant of the requirto operate on the property and relieving to special special use permit for every new tenant. The permit also contains special use permit for every new tenant. The thethe maximum parking requirement possible undethe maximum parking permit permit was permit was issued, City Council reviewed and reapproved the permit (SUP 95-0057). In Decemb 1996,1996, Council added 15,000 square feet of comm1996, Council added 15,000 square feet of commercial covered by the special use permit tocovered by the special use permit to allow the Art League to occupy special use permit was reviewed as required one0111). That permit was rethethe SUP was also amended to increase the floor square feet.

#### **PROPOSAL**

The The applicant requests approval of the following amendments The applicant requests approval of the following a special use permit:

- 1. ToTo increase the total amount of reTo increase the total amount of resTo increase the total a overalloverall specialuse permit to 10,000 square feet.overall special use permit to 10,000 square feet 55,005,0005,000 square feet of carry-out restaurant space, which is an amendment to the original original 3,000 square feet, original 3,000 square feet, the amou issued.
- 2. ToTo allow a piano retail establishment to occupy 5,850 squareTo allow a piano retail establishment attached table), and, attached table), and, in the future, to require businesses that occupy more than businesses that occupy more than 5,000 square feet *or*

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in use. Currently, an amendment to the umbrellain use. Currently, an amendment to the umbrella accupying occupying more than 5,000 square feet, even if occupying more feet, even if occupying

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

Approval of tApproval of these requApproval of these requests would allow restaurants and coffee s serviceservice tenant spaces (conditioned uposervice tenant spaces (conditioned upon sepservice tenant space attached table. In addition, the attached table. In addition, the piano retail stort tenanttenant space at 318 Montgomery Street, and upon approval of this umbrella-SUP amendment, r usesuses that occupy uses that occupy more than 5,000 square feet but do not constitute a chartoto operate without an umbrella SUP amendment, to operate without an umbrella SUP amendment, but the most office uses will still apply.

The The following tabThe following table shows the permitted existing and proposed allowable floo respective uses:

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

#### **PARKING**

AA parking reduction for 270 spaces, the parkinA parking reduction for 270 spaces, the parking requiremeA papproved as part of the special use permit for this siapproved as part of the special use permit for this CenterCenter has always Operated withoutCenter has always operated without parking. The parkit toto continue to operate as it had prior to its 1992 rezoning, while protecting the community to continuintensification of uses.

The parking requirement The parking requirement for The parking requirement for the amount of personal service byby this approval totals 25 spaces (10,000 this approval totals 25 spaces (10,000 / 400 = 25). From a parking that that space would allow the addition of a restaurant with 100 seats (25that space would allow the addition of a recoffee shops with fewer seats and expansions of existing restaurants for a total of 100 seats.

The The applicant s requests to allow The applicant s requests to allow new businesses to occupy The applicant s reduction (with (with or without requiring an umbrella-SUP amendment (with or without requiring an umbrella-SUP amendment) and/or demand, because the applicant is still required to adhere treduction and/or demand, alloallowable floor areas for retail, office and school uses. However, in reality, the parkallowable floor

mightmight even be relieved, considering that a piano retail establmight even be relieved, considering that a piano retail establmight even be relieved, considering that a piano retail establmight even be relieved, considering that a piano retail establmight even be relieved, considering that a piano required and are accommodated in the second of the office use and 28 spaces for the retail use. Both parking demands are accommodated in the Center scenter sparking calculation/reduction, but in reality, the Center sparking calculation/reduction, but in redaily daily basis than daily basis than employees working in and clients visiting an almost 6,000 square feetdaily basis therefore, staff finds that the proposed amendment will not have Therefore, staff finds that the proposed situation in the surrounding neighborhood.

## ZONING/MASTER PLAN DESIGNATION

The The subject property is zoned The subject property is zoned CRMU-X/Commercial Residential Mixed Use (Old uses uses other than some uses other than some residential uses require a special use proposed proposed use is consistent with the Old Town proposed use is consistent with the Old Town North Some which which designates the property commercial residential mixed use. The which designates the property commercial residential uses; however, in the interim a wide range permitted with a special use permit.

#### II. STAFF ANALYSIS

StaffStaff has no objectionStaff has no objection to the proposed change in uses at the Montgomery Center. Staff of of any problems related to the operation of the Center and believes adof any problems related to the operation restaurant space and retail uses are good additions to the mix of commercial uses in Old Town.

StaffStaff continues to have some concerns about the parkingStaff continues to have some concerns about the park pastpast and recent visits in the area have shown that ample parking special butbut very few during thebut very few during the weekdays. On the otherbut very few during the weekdays. On the orror attributable to any particular uses allowed at theor attributable to any particular uses allowed at the believebelieve that the particular change requested will believe that the particular change requested will adversely a of of the Center, especially considering that of the Center, especially considering that the existing of the Center, especially and working in the surrounding area, many of whom walk to the Center.

StaffStaff recommends approval of the Staff recommends approval of the special use permit with the minorStaff restandard conditions.

#### III. RECOMMENDED CONDITIONS

StaffStaff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

- 1. The The special use The special use permit shall be The special use permit shall be granted to the appropriate which the applicant has a controlling interest. (P&Z) (SUP 2684)
- 2. <u>CONDITIONCONDITION AMENDED BY STAFF</u>: This spe: This special: This special following following special uses within the existing Montgomery Cenfollowing special uses with (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. retailretail 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(This use is included so(This use is included so that the applicant does not have to amer SUPSUP each timeSUP each time a new restaurant is added.SUP each time a new restaurant new restaurant shallnew restaurant shall still be required to obtain a separate specialnew repermit.)
  - e. commercial school up to 15,000 sq.ft. and up to 78 students.
- 3. <u>COCONDITIONCONDITION AMENDED BY STAFF: Only new businesses occupying Onsqsq.ft.sq.ft.</u> orsq.ft. or less are permitted under this special use permit; larger businesses New businesses that occupy more than 5,000 businesses that occupy more than 5,000 squa shall require an amendment to this special use permit. (P&Z) (SUP 2684) (P&Z)
- 4. AA parking reductionA parking reduction is grantedA parking reduction is granted for up to 270 spatinin January 1992 for the Oldin January 1992 for the Old Town Baker underin January 1992 for the onlyonly to office, personal service, retail, compute to office, personal service, retail, computed within the existing but under Condition #2 above. (P&Z) (SUP 2684)
- 5.5. CONDITIONCONDITION AMENDED BY STAFF: PreventionPrevention Unit of the Alexandria Police Department atat 703-838-4520 for a security surveysurvey for the business andsurvey for the business and a robbery awareness programsurvey (SUP#97-0153) (P&Z)
- 6. **CONDITION AMENDED BY STAFF:** The Director of Planning The Director

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havehave been documented violations of the permit conditions, which were not corrected immediately, immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b)(b) the(b) the director has received as request from any person to docket the permits request from any person to docket the permit for thatthat rises to the level of a violation, or (c) the or (c) the director has determined that or (c) the problems problems with the operation of the use and problems (P&Z) (SUP#97-0153) (P&Z)

<u>STAFF:</u> Eileen Fogarty, Director, Department of Planning and Zoning; Bettina Irps, Urban Planner.

<u>StaffStaff Note:</u> In accordance with section In accordance with section 11-506(c) of the zoning ordinance, construct shallshall be commenced and diligently and substantially pursued within 18 mshall be commenced and diligenting 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

# <u>Transportation</u> & <u>Environmental Services</u>:

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 FiveFive 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 PlansPlans for food facPlans for food facilitPlans for food facilities must comply with the A ChapterChapter 2, Chapter 2, FoodChapter 2, Food and Food Establishments. There is a \$135.00 fee for food facilities.
- C-6 PoolPool plans must comply with Title 11, Chapter 11, Swimming PPool plans must compestablishment pools must have six(6) sets of plans submitted.
- C-7 Personal personal grooming facilities must comply with TitPersonal grooming facilities must Grooming Establishments.
- C-8 Tanning Salons must meet StateTanning Salons must meet State Code TitleTanning Salons must
- C-9 Massage Massage facility plans must comply with Title 11, ChaptMassage facility plans must comply AllAll massage therapistsAll massage therapists must possess a current massage therapist certificat byby the Commonwealthby the Commonwealth of Virginia in accordanceby the Commonwealth of 599,599, 54.1-3029 and must possess an Alexandria599, 54.1-3029 and must possess an Alexandria Alexandria City Code Title 11, Chapter 4.2 prior to engaging in Alexandria City Code Title 11.

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- C-10 Cion-operated Cion-operated dry cleaning facility plans must comply with Title 9, ChapterCion-operated Dry Cleaning Establishments.
- C-11 Coin-operatedCoin-operated laundry plans must cCoin-operated laundry plans must coCoin-operated laundries.
- C-12 Hotels/Motels Motels must comply with State Code 35Hotels/Motels must comply with Camps, and Campgrounds.
- C-13 MarinaMarina Marina plans must comply with the provisions of Section 32.1-246 of the Code of Virginia. Virginia. Information to be included in the plansVirginia. Information to be included in the Code of Virginia.
- C-14 Food must be protected to the point of service at any outdoor dinning 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.