

Docket Item #4
SPECIAL USE PERMIT #2004-0080

Planning Commission Meeting
November 4, 2004

ISSUE: Consideration of a request for a allowable square foot area for restaurants, personal service businesses.

APPLICANT: MRE Properties, Inc.
by Bruce Machanic

LOCATION: 300 Montgomery Street
The Montgomery Center

ZONE: CRMU-X/Commercial Residential Mixed Use

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with 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 MachanThe applicant, MRE Properties, Inc., by B MontgomeryCenter 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 c businesses to occupy more than 5,000 square feet without a special businesses to occupy more than 5,0 do not constitute a change in use.

SITE DESCRIPTION

The subject propertyThe subject property iThe subject property is one lot of record which encompasses r approximately 250feetapproximately 250 feetapproximately 250 feet of frontage along Madison and Mo along North Fairfax and North Royal Streets.along North Fairfax and North Royal Streets. The Montgomery C story office/retail/warehouse buildings with 95,701 square feet of interior space. The center hstory office/re wide range of uses, including retail, personal service, office and restaurant uses.

BACKGROUND

In June, 1993, City Council approved Special Use Permit #2684 allIn June, 1993, City Council approved Spec to operate on the property and relieving the applicant of the requirto operate on the property and relieving t special use permit for every new tenant. The permit also containsspecial use permit for every new tenant. Th the maximum parking requirement pothe maximum parking requirement possible undethe maximum parkin permit was issued, City Council reviewed and reapproved the permit (SUP 95-0057). In Decemb 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 sp 0111). That permit was reviewed0111). That permit was reviewed as required one0111). That permit was re the SUP was also amethe SUP was also amended to increasthe SUP was also amended to increase the floor square feet.

PROPOSAL

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

1. To increase the total amount of reTo increase the total amount of resTo increase the total a overall special use permit to 10,000square 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 original3,000 square feet,original 3,000 square feet, theoriginal 3,000 square feet, the amount issued.
2. To allow a piano retail establishment to occupy 5,850 squareTo allow a piano retail establishme attached table), and, attached table), and, in the attached table), and, in the future, to requir businesses that occupy more than businesses that occupy more than 5,000 square feet or

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 which the applicant has a controlling interest. (P&Z) (SUP 2684)
2. **CONDITION AMENDED BY STAFF:** This special use permit shall be granted to the applicant which the applicant has a controlling interest. (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 SUP each time a new restaurant is added. Each time a 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 0-10,000 sq.ft. or less are permitted under this special use permit; larger businesses that occupy more than 5,000 sq.ft. shall require an amendment to this special use permit. (P&Z) (SUP 2684)~~ New businesses that occupy more than 5,000 sq.ft. shall require an amendment to this special use permit. (P&Z) (SUP 2684)
4. A parking reduction is granted for up to 270 spaces in January 1992 for the Old Town Baker under only to office, personal service, retail, commercial, and community uses. (P&Z) (SUP 2684)
- 5.5. **CONDITION AMENDED BY STAFF:** Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and a robbery awareness program. (P&Z) (SUP #97-0153)
6. **CONDITION AMENDED BY STAFF:** The Director of Planning shall review the special use permit one year after the permit is issued and submit a report to the Planning Commission for consideration by the Planning Commission.

have 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 a request from any person to docket the permit request from any person to docket the permit for that rises to the level of a violation, or (c) the or (c) the director has determined that or (c) the problems with the operation of the use problems with the operation of the use and problems (P&Z) (SUP#97-0153) (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 shall be commenced and diligently pursued within 18 months of the 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 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 comp establishment pools must have six(6) sets of plans submitted.

C-7 PersonalPersonal grooming facilities must comply with TitPersonal grooming facilities mu Grooming Establishments.

C-8 Tanning Salons must meet StateTanning Salons must meet State Code TitleTanning Salons must

C-9 MassageMassage 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 o 599,599, 54.1-3029 and must possess an Alexandria599, 54.1-3029 and must possess an Alexandri AlexandriaAlexandria CityCode Title 11, Chapter 4.2 prior to engaging inAlexandria City Code Tit

- C-10 Coin-operated Coin-operated dry cleaning facility plans must comply with Title 9, Chapter Coin-operated Dry Cleaning Establishments.
- C-11 Coin-operated Coin-operated laundry plans must c Coin-operated laundry plans must co Coin-operated Laundries.
- C-12 Hotels/Motels Hotels/Motels must comply with State Code 35 Hotels/Motels must comply with Camps, and Campgrounds.
- C-13 Marina Marina Marina plans must comply with the provisions of Section 32.1-246 of the Code of Virginia. Virginia. Information to be included in the plans Virginia. Information to be included in 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.