

Docket Item #16  
SPECIAL USE PERMIT #2005-0083

Planning Commission Meeting  
September 8, 2005

**ISSUE:** Consideration of a request for a special use permit to operate a restaurant (coffee shop) with outdoor seating and live music, and for a parking reduction.

**APPLICANT:** Neighborhood Restaurant Group  
by Stephanie Babin

**LOCATION:** 901 Slater's Lane  
(Parcel Address: 1550 Potomac Greens Drive)

**ZONE:** CDD-10/Coordinated Development District

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

**SITE GRAPHIC**  
**AVAILABLE IN THE PLANNING AND ZONING OFFICE**

## I. DISCUSSION

### REQUEST

The applicant, Neighborhood Restaurant Group, requests special use permit approval for the operation of a new restaurant (coffeeshop) located in Potomac Plaza at 901 Slater's Lane, and also for a parking reduction.

### SITE DESCRIPTION

The subject property is one lot of record with 255 feet of frontage on Potomac Greens Drive, 83 feet of frontage on Slater's Lane, 183 feet of depth and a total lot area of 34,839 square feet. The site is under construction for the one-story retail center, approved in May 2003 (DSUP#2002-0028). Access to the property is from Potomac Greens Drive. and Slater's Lane.



The surrounding area is occupied by a mix of residential and commercial uses. Immediately to the north is Old Town Greens townhouse development. To the south is Old Town Crescent Condominiums. To the east is the remainder of the Potomac Plaza development and to the west is the site of a future landscaped park area.

### PROPOSAL

The applicant proposes to open a coffeeshop/dessert lounge/bakery in this new retail development. The applicant is also the owner of the Rustico restaurant to be located within Potomac Plaza, The coffeeshop would offer made-to-order breakfast, pastries, prepared lunch items (e.g. salads, sandwiches, soups, entrees), baked goods, coffee, tea, and other beverages, including alcoholic beverages. The coffeeshop includes the following features:

- Hours: The proposed hours are 6:00 a.m. - 1:00 a.m. daily. Alcohol sales would end by midnight Sunday through Thursday. The outdoor dining area will have more restricted hours: 6:00 a.m. - 10:00 p.m. Sunday through Thursday and 6:00 a.m. - 11:00 p.m. Friday and Saturday.
- Seating: The new restaurant will offer 35 seats, including both the indoor and outdoor seating areas.
- Entertainment: The applicant hopes to offer live entertainment, including live music and movies. A cover charge will not be applied.

- Alcohol: The coffeeshop will include a bar and will serve alcoholic beverages, beer, and wine on-premises.
- Noise: Patron noise is not expected to be audible from beyond the property line.
- Trash/Litter: Trash will be enclosed in the dumpsters provided for the shopping center and will be picked up about three times per week. Litter will be picked up by restaurant staff at regular intervals.

#### PARKING

The development includes 68 parking spaces located behind both buildings and seven on-street spaces immediately adjacent to the site along Potomac Greens Drive. The number of spaces provided was determined by assuming a retail parking ratio for all of the 15,000 square feet of space. According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 35 seats is required to provide nine off-street parking spaces. The applicant is requesting a parking reduction of three spaces.

#### ZONING/MASTER PLAN DESIGNATION

The proposed restaurant use is consistent with the Potomac Yard/Greens CDD and Small Area Plan chapter of the Master Plan which proposes that the general land uses for this land parcel be retail and open space use. The approved Concept Plan and Design Guidelines call for Potomac Yard to develop with high quality urban and architectural design elements to produce identifiable neighborhoods, a pedestrian oriented environment, a mix of uses and the use of open space as a defining element in each neighborhood.

#### NEIGHBORHOOD OUTREACH

On August 10, 2005, staff attended the Northeast Civic Association's Land Use Committee meeting. The Committee was generally supportive, but expressed concern over the service of alcohol late at night during the week, traffic generated by proposed curbside service, and the hours and design of the outdoor seating. At the meeting, the applicant agreed to end alcohol sales at midnight Sunday through Thursday, to withdraw the request for curbside service, and to be subject to the same outdoor dining closing hours and design restrictions required for the Rustico restaurant.

## **II. STAFF ANALYSIS**

Staff supports this new restaurant/coffeeshop and the parking reduction in Potomac Plaza. The coffeeshop will promote an active street presence, especially with its outdoor dining component, and will occupy vacant retail space in the new development.

HOURS

The neighboring community expressed concern about the 1:00 a.m. weekday closing time proposed by the applicant because of the sale of alcohol. To address this concern, the applicant agreed to a condition to end alcohol sales by midnight Sunday through Thursday, but the restaurant would be permitted to serve alcohol until 1:00 a.m. on Friday and Saturdays.

PARKING

As Potomac Plaza was designed to provide neighborhood-serving retail, restaurants, and personal service uses within walking distance of the adjacent residential neighborhood, the parking lot was designed to provide no more than the minimum number of spaces required by the Zoning Ordinance. This minimum/maximum number of spaces (68) was determined using a retail ratio based on the entire 15,000 square feet of potential development. An additional seven parking spaces are available on Potomac Greens Drive in front of the retail center

Below is a table showing the expected tenant mix, parking requirements, and peak time usage for the entire Potomac Plaza.

<b>Business</b>	<b>Use</b>	<b>Size</b>	<b># of Required Spaces</b>	<b>Estimated Hours</b>	<b>Peak Time</b>
Rustico	Restaurant	4,894 SF (150 seats)	38	8:30 a.m. - 12 a.m. Sunday - Thursday, 8:30 a.m. - 1 a.m. Friday/Saturday	Evenings
Jon Rec Salon	Personal Service	1,928 SF	5	10 a.m. - 6 p.m.	Day
Periwinkle Clothing	Retail	1,502 SF	7	10 a.m. - 6 p.m.	Day
Dry Cleaners	Personal Service	986 SF	3	7 a.m. - 7 p.m.	Morning, early evening
Dentist Office *	Office	819 SF	2	8 a.m. - 5 p.m.	Day
Specialty Grocery*	Retail	985 SF	5	10 a.m. - 6 p.m.	Day

Tropical Smoothie Café*	Restaurant	1,637 SF (36 seats)	9	8:30 a.m. - 12 a.m. weekdays 8:30 a.m. - 1 p.m. Friday/Saturday	Lunch
Coffeeshop*	Restaurant	2,079 SF (35 seats)	9		Morning, Evening
<b>Total Required</b>			<b>78</b>		
<b>Total provided</b>			<b>75 (68 off-street, 7 on-street)</b>		

\*prospective businesses

With the addition of the coffeeshop, the number of parking spaces required for the retail center exceeds the number provided, which required the applicant to request a parking reduction. Technically the number of off-street spaces provided (68) is ten less than what is required (78). However, as the seven on-street spaces were created to serve the retail center, the number of spaces provided both on- and off-street is 75, only three less than the required. As the coffeeshop application was the last application received, and could not meet the required parking, the applicant has requested a parking reduction of those three spaces.

As the table above shows, the uses expected to occupy the center offer a variety of uses with different parking demands, both in the number of required spaces and the times those spaces will be used. If the total number of spaces of all the peak daytime uses are summed, the total number of spaces used is 40, well under the 75 available at the site. The total number of spaces used by all evening uses is 56. Because of the mix of uses and peak usage times at the center, staff believes that the parking provided adequately serves the site.

Additionally, the management company has indicated that employee parking can be designated toward the rear of the lot, furthest from the entrances in order to ensure the closest spaces are available for patrons. The nearby National Media Center has also expressed an interest in working with Potomac Plaza on a possible future shared parking agreement if the need is warranted.

With the following 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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to between 6:00 a.m. and 1:00 a.m. daily, except that the sale of alcohol must end by midnight Sunday through Thursday. The hours of the outdoor seating shall be limited to between 6:00 a.m. and 10:00 p.m. Sunday through Thursday and 6:00 a.m. and 11:00 p.m. Friday and Saturday. (P&Z)
3. Live entertainment is permitted to the extent that no sound is audible outside the restaurant. No admission or cover fee shall be charged. The entertainment shall be subordinate to the principal function of the restaurant as an eating/drinking establishment. Any advertising of the entertainment shall reflect its subordinate nature by featuring food/beverage service as well as the entertainment. (P&Z)
4. Seasonal outdoor seating shall be provided as a component of the restaurant business. (P&Z)
5. The final design of the outdoor seating, to include umbrellas, iron railing and landscaped planters and to be located to allow a minimum nine foot wide sidewalk, shall be subject to approval by the Director of Planning and Zoning. The outdoor seating area shall be washed at the close of each day of operation. No seating shall encroach on a public right-of-way. (P&Z)
6. On site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. 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)
9. The applicant shall post the hours of operation at the entrance of the business. (P&Z)

10. 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)
11. 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, and on how to prevent underage sales of alcohol. (P&Z)
12. Loading and unloading activities shall occur from designated loading spaces behind the building and after 6:00 a.m. and before 6:00 p.m. (P&Z)
13. Window signs or posters shall not block the visibility of the interior of the store from the street. Shelving, boxes, coat racks, storage bins, closets, and similar items shall be located where they do not block the windows. All window coverings shall remain open as much as possible and some interior accent lighting shall be provided when the business is closed. The front of the business may not be illuminated by flood lights placed on the sidewalk, trees or poles. Signage shall comply with the conditions and intent of DSUP#2002-0028. (P&Z)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
15. 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)
16. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
17. No amplified sounds shall be audible at the property line. (T&ES)
18. If not already provided by the developer or previous SUP applicant, applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)



19. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
20. The applicant is to contact the Community Relations 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)
21. 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, 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)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Richard Josephson, Deputy Director;  
Lorrie Pearson, 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:

- 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 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 No amplified sounds shall be audible at the property line.
- R-5 If not already provided by the developer or previous SUP applicant, applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.
- 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 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 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-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 The current use is classified as M — Mercantile; the proposed use is A- Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-6 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-7 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-9 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-10 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.

- C-11 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
  - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
  - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
  - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.
- C-12 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C-13 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans must 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 plans review of food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions both indoors and at the outside dining areas.
- C-5 Certified Food Managers must be on duty during all hours of operation.
- C-6 Food must be protected to the point of service.
- 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 Community Relations 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 Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 Recommend "ABC On" license only. If "ABC Off" license is approved, we recommend the following conditions:
  - 1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
- F-1 The Police Department has no objections to the reduction in parking.

SUP#2005-0083  
901 Slater's Lane

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