

Docket Item # 6  
SPECIAL USE PERMIT #2006-0055

Planning Commission Meeting  
September 7, 2006

**ISSUE:** Consideration of a request for a special use permit to operate a restaurant and for a parking reduction.

**APPLICANT:** Marie Doyle

**LOCATION:** 610 Montgomery Street

**ZONE:** CDX/Commercial Downtown (Old Town North)

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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, Marie Doyle, requests special use permit approval for the operation of a coffeehouse restaurant and for a parking reduction at 610 Montgomery Street.

### SITE DESCRIPTION

The subject property is one lot of record with 17 feet of frontage on Montgomery Street, 92 feet of depth and a total lot area of 1,548 square feet. The site is developed with a two-story commercial building. Access to the property is from Montgomery Street. The proposed coffee shop will be on the first floor, where there is currently a hair salon.

The surrounding area is occupied by a mix of commercial and office uses. Immediately to the north is an office building. To the east is Stardust restaurant. To the west is Wendy's restaurant. To the south is an alley and a school for dance at 816 N. St. Asaph Street.

### PROPOSAL

The applicant proposes to operate a coffeehouse restaurant. The restaurant will provide coffee drinks as well as catered sandwiches, salads and pastries. Specific aspects of the restaurant as proposed by the applicant include the following:

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|----------------|---|
| Hours:         | 5:30 a.m. to 10:00 p.m. Monday through Friday. 7:00 a.m. to 6:00 p.m. Saturday and Sunday.  |
| Number seats:  | The applicant proposes 22 indoor seats and up to six outdoor seats. There is no private property for outdoor seating, and the applicant has been informed that any outdoor seating would require an encroachment. |
| Noise:         | The applicant does not anticipate loud noise from the coffee shop.  |
| Alcohol:       | The applicant is not proposing to sell alcohol.   |
| Entertainment: | The applicant proposes a television, and live music on the weekends from local performers.  |

Trash/Litter: Trash will include coffee, food wrappers and paper cups. The applicant anticipates one bag each day, which will be collected once each week. Staff will monitor for litter.

#### PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 28 seats will be required to provide seven off-street parking spaces. In this case, there is no parking on the property, and the applicant requests a parking reduction for all seven spaces.

In support of the reduction, the applicant anticipates that customers will primarily be area workers and local residents who will walk to the shop. In addition, the applicant has agreed to provide the required number of off-street parking spaces at the Sheraton Suites, located one block away at 801 N. St. Asaph Street.

#### BOARD OF ARCHITECTURAL REVIEW

The building is located in the Old and Historic District. Any exterior changes, including signs, are required to be reviewed and approved by the Board of Architectural Review.

#### ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDX/Commercial downtown zone. Section 4-603 (U) of the Zoning Ordinance allows a restaurant in the CDX zone only with a special use permit.

The proposed use is consistent with the Old Town North Small Area Plan chapter of the Master Plan which designates the property for uses consistent with CDX.

## **II. STAFF ANALYSIS**

Staff does not object to this neighborhood-serving coffeehouse restaurant. There is not currently a coffee shop in the immediate area. There is no residential in the immediate vicinity, reducing the likelihood of any negative impacts. The applicant anticipates minimal noise from patrons and performers. Regarding the parking reduction, the use is likely to attract mostly those who live and work in the area and will walk. The applicant has an arrangement for off-street parking at the Sheraton, only one block away. Staff recommends that this parking agreement be presented to staff prior to the issuance of an occupancy permit. Staff also recommends the standard condition to encourage employees to use mass transit.

Staff has included the standard restaurant conditions regarding monitoring litter, controlling odors, and a one year review. Staff recommends more flexible operating hours, to provide some flexibility as the business develops. Regarding the outdoor seating, it will not be allowed without approval of

an encroachment, and staff has included a condition to this effect. Because this type of use may generate some litter, staff recommends that the applicant contribute \$500 to the streetscape beautification fund, which goes toward the purchase of street trash cans.

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to between 5:30 a.m. and 11:00 p.m. daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. Seating shall be provided indoors for no more than 28 patrons. Outdoor seating shall not be provided, unless City Council approves an Encroachment. (P&Z)
5. Live entertainment is permitted at the restaurant. (P&Z)
6. No alcohol service shall be permitted. (P&Z)
7. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
8. The applicant shall provide an executed copy of the parking arrangement between Sheraton and the applicant prior to the issuance of the certificate of occupancy permit. (T&ES)
9. No food, beverages, or other material shall be stored outside. (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. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
12. 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)
13. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
14. Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
15. 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. (Police)
16. 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. (Police)
17. 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)
18. 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)
19. 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 containers which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)
20. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)

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 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;  
Richard Josephson, Deputy Director;  
Valerie Peterson, 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:

- 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.
- 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 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.
- R-5 The applicant shall provide an executed copy of the parking arrangement between Sheraton and the applicant prior to the issuance of the certificate of occupancy permit.

##### Code Enforcement:

- C-1 The current use is classified as B, Business; 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-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 A Certificate of Use of Occupancy is required prior to opening (USBC 119.1).
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 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-7 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-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-9 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. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with 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-4 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

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.
- F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs with this.

SUP2006-0055  
610 Montgomery Street

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