

Docket Item #10  
SPECIAL USE PERMIT #2007-0019

Planning Commission Meeting  
May 1, 2007

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

**APPLICANT:** Daniel Garcia  
Robeks Fruit Smoothies Shop

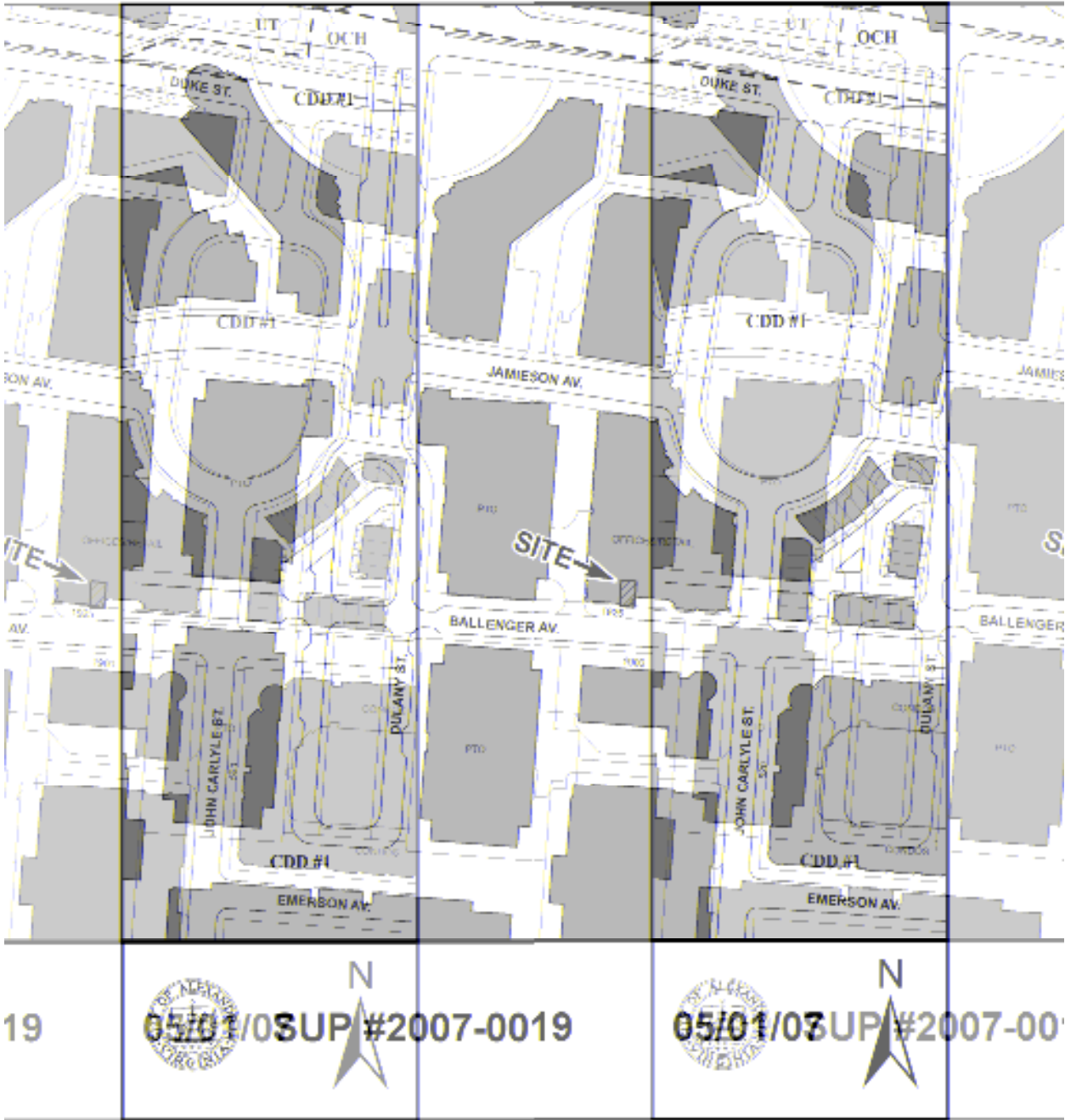
**STAFF:** James Hunt, Urban Planner  
james.hunt@alexandriava.gov

**LOCATION:** 1931 Ballenger Avenue (Parcel Address: 1925 Ballenger Avenue)

**ZONE:** CDD#1/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.



**I. DISCUSSION**

REQUEST

The applicant, Daniel Garcia, requests special use permit approval for the operation of a Robeks Fruit Smoothies restaurant located at 1931 Ballenger Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 97.1 feet of frontage on Jamieson Avenue, 144 feet of depth and a total lot area of 44,840 square feet. The site is developed with a mixed use of office and retail spaces. Access to the property is from Ballenger Avenue. The proposed restaurant space is located in an end tenant space on the first floor and occupies 1,300 square feet of retail space.



The building is part of the 70-plus acre Carlyle development that has been designed for a mix of office, residential, and retail uses.

PROPOSAL

The applicant proposes to operate a Robek’s Fruit Smoothies restaurant located within the Carlyle Development. The applicant proposes to offer a variety of vitamin supplements and nutritional foods such as smoothies, muffins, juices, and sandwiches. The proposed operation of Robek’s Fruit Smoothies is as follows:

Hours:	Monday- Friday: 7am- 9pm
	Saturday: 8am- 9pm
	Friday: 9am- 6pm

Number of seats:	Indoors 6
	<u>Outdoors +4</u>
	<b>Total Seats 10</b>

Noise: The applicant does not anticipate high noise

Trash/ Litter: Trash will be commercially collected once per week and additional trash collections will be scheduled as needed. Trash cans will be located inside the establishment.

Delivery Service: No delivery service is being proposed.

Live Entertainment: No live entertainment is being provided

Alcohol Service: No alcohol service will be provided

PARKING

Pursuant to Section 8-200(A) (8) of the Zoning Ordinance, a restaurant with 10 seats is required to provide 3 off-street parking spaces. The parking requirements for the subject building were specified in the Transportation Management Plan for the Carlyle Development (Special Use Permit#2254), and these parking requirements were met for the subject site in the development of the on-site parking garage.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD#1/Coordinated Development District zone. Section 5-602(A) of the Zoning Ordinance identifies OC/Office Commercial zone as the underlying zone, which allows a restaurant for use other than full-service only with a special use permit.

The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for a use consistent with the OC zoning requirements listed under the CDD #1 zone.

**II. STAFF ANALYSIS**

Staff does not object to the proposed Robeks Smoothies Shop. The proposed restaurant will contribute to the variety of restaurants that have been approved to operate within the Carlyle Development.

The proposed restaurant will be the first of its kind in the Carlyle Development. The restaurant will cater to residents and workers of Carlyle as well as to future visitors to the John Carlyle Square Park. The restaurant is a family oriented business and could serve as an attraction to people who may not normally visit the Carlyle area.

As with other similar restaurant applications, staff has analyzed the amount of retail space within the Carlyle area to determine the location, distribution, and whether sufficient area remains to accommodate future retail and restaurant uses. The restaurants that have been approved to occupy spaces within Carlyle have been predominately located along John Carlyle Street. The total amount of retail space within Carlyle is 258,850 square feet. The amount of retail space that has been occupied by similar restaurants at this time is 19,047 square feet. Other retail uses occupy 27,322 square feet of retail space. Therefore, the amount of retail space remaining after occupancy of the pending Robeks Smoothie Shop is 211,181 (see attachment).

Staff finds there is a sufficient amount of retail space remaining for other retail uses, as well as full service and quick service restaurants.

### 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 business or entity in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 10 patrons inside and outside. (P&Z)
3. Outside dining facilities may be located on private property and shall not encroach onto the public right-of-way. The applicant shall ensure that pedestrian access is provided past the outdoor seating and shall clean the seating area at the close of each day of operation. (P&Z)
4. The applicant may provide seating for up to 6 outdoor seats. (P&Z)
5. Delivery service shall be permitted to customers in the immediate area. (P&Z)
6. The hours of operation shall be limited to 7am- Midnight daily. (P&Z)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
8. No alcohol service shall be permitted. (P&Z)
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)(T&ES)
11. 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 container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)

12. 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)
13. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
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 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 and Environmental Services. (T&ES)
16. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (P&Z)
17. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
18. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees prior to operation. (Police)
19. The applicant shall require its employees who drive to use off-street parking and 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)
20. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z)

21. The applicant shall design both the exterior and interior portions of the space pursuant to the Carlyle Design Guidelines, to the approval of the Director of Planning and Zoning. (P&Z)
22. The applicant shall comply with any requirements adopted as a part of a smoke free restaurant ordinance. (P&Z)
23. 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: Richard Josephson, Acting Director, Department of Planning and Zoning;  
James Hunt, 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 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 and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line.
- R-4 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-5 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-6 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.
- 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.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).



Code Enforcement:

- C-1 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-2 The current use is classified as B, M, S; the proposed use is A-2. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 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-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- 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 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-6 The applicant must obtain a Certificate of Occupancy prior to occupancy (use) of the structure (USBC 116.1).
- C-7 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-8 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-9 Toilet Rooms for Persons with Disabilities:
  - (a) Water closet heights must comply with USBC 1109.2.2
  - (b) Door hardware must comply with USBC 1109.13

- C-10 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- 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. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 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-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 prior to opening.

Parks& Recreation:

F-1 No Comment

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 readiness program for all employees.

F-1 The applicant is not seeking an ABC permit. The Police Department concurs.

SUP #2007-0019  
1931 Ballenger Avenue

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