

Docket Item #16  
SPECIAL USE PERMIT #2007-0062

Planning Commission Meeting  
September 6, 2007

**ISSUE:** Consideration of a request for a special use permit to operate a restaurant (coffee shop).

**APPLICANT:** Diamond Commercial, LLC  
by Harry Hart, attorney

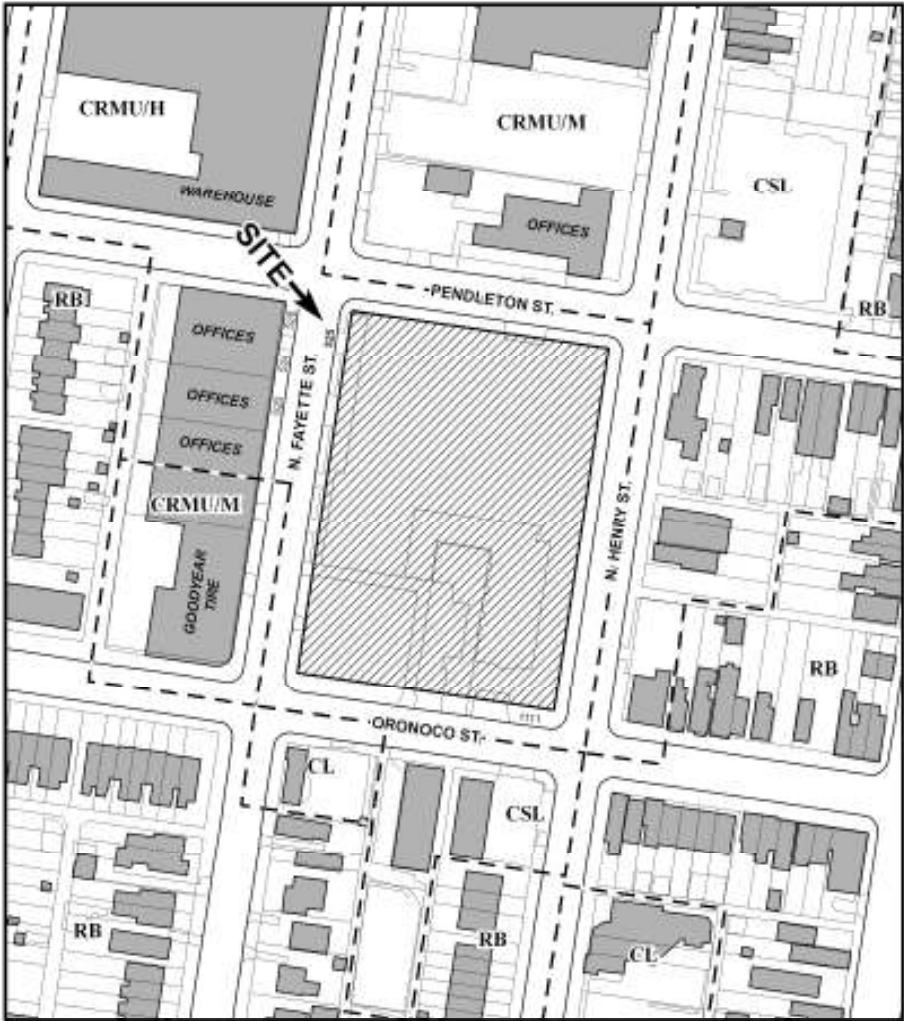
**STAFF:** Richard Bray  
RichardBray@alexandriava.gov

**LOCATION:** 525 N. Fayette Street

**ZONE:** CRMU-H/Commercial Residential Mixed Use (high)

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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.



SUP #2007-0062

09/06/07



**I. DISCUSSION**

REQUEST

The applicant, Diamond Commercial, LLC, requests special use permit approval for the operation of a restaurant (coffee shop) located at 525 N. Fayette Street.

SITE DESCRIPTION

The subject property is comprised of 6 lots of record with 353 feet of frontage on North Fayette, 246 feet of depth and a total lot area of 87,174 square feet. The site is developed by the Monarch development which consists of residential condominiums on the upper floors with ground level retail. The proposed coffee shop is located at the intersection of North Fayette Street and Pendleton Street. Parking is provided within a two level below-grade parking garage accessed from Pendleton Street



The surrounding area is occupied by a mix of residential, retail, personal service and office and automotive repair uses. Immediately to the north is a parking lot and auto garage. To the south is a Texaco gas station. To the east is a hair salon and office space. To the west is an auto garage, retail and office space. The property on the corner to the north-west of the subject property, 621 North Payne Street is approved to be developed with a condominium development.

BACKGROUND

On November 13, 2004, City Council granted Development Special Use Permit #2003-00019 with site plan and modifications to construct a residential building with ground floor retail. This development, Monarch, is currently under construction.

PROPOSAL

The applicant proposes to operate a Starbuck’s coffee shop, serving coffee, tea and juice-based beverages as well as pre-prepared pastries, breakfast items, sandwiches and salads. The operation of the business as described by the applicant is as follows:

|        |           |               |
|--------|-----------|---------------|
| Hours: | Mon- Fri  | 5am- midnight |
|        | Sat & Sun | 5am- 10pm     |

Number of seats: 25 Seats  
Noise: No disruptive noise impacts are anticipated.  
Trash/Litter: Collected daily or as otherwise required by business volume.

PARKING

Parking for all tenants of the first floor retail space in the Monarch mixed use development is provided in the on-site underground parking garage with access from Pendleton Street. Pursuant to DSUP #2003-00019, 73 parking spaces are required for the first-floor retail space and 75 are provided.

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. The proposed coffee shop will contain 25 seats and therefore will be required to provide 7 off-street parking spaces. The 7 parking spaces are provided in the below ground parking garage.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-H zone, Commercial residential mixed use (high). Section 5-303 of the Zoning Ordinance allows a restaurant in the CRMU-H zone only with a special use permit.

The proposed use is consistent with the Braddock Road Metro Small Area Plan chapter of the Master Plan which designates the property for use.

**II. STAFF ANALYSIS**

Staff has no objection to the proposed Starbucks Restaurant. The restaurant's location will contribute to the vitality of the Braddock Metro area as well as the new Monarch development. The business is expected to serve a combination of local workers and residents.

Staff has included a condition requiring a review of the restaurant one year after approval so if there are any problems with its operation, additional conditions may be imposed. 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 shall be limited to 5am- 12am, Monday through Friday and 5am- 10pm Saturday and Sunday. (P&Z)
3. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
4. 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)
5. No food, beverages, or other material shall be stored outside. (P&Z)
6. All exterior signage must be approved by the director of Planning and Zoning. (P&Z)
7. 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)
8. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
9. 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)
10. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)

11. 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)
12. 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. (T&ES)
13. 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 within 60-days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)
14. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
15. Any future requests for outdoor dining and associated landscape improvements to the exterior courtyard must include all proposed landscape and planting plans. A planting plan shall be submitted to RP&CA for review. (Parks & Rec)
16. Provide a menu or list of foods to be handled at this facility to the Health Department. (Health)
17. 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)
18. 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. (Police)
19. 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, Deputy Director, Department of Planning and Zoning;  
Richard Bray, 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 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.
- R-6 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 within 60-days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.
- R-7 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees.



- 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 **new** 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 **R-2**; 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 Additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- C-5 Any proposed new construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 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-7 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:

- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department. (Health)
- 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.

Parks & Recreation:

- R-1 Any future requests for outdoor dining and associated landscape improvements to the exterior courtyard must include all proposed landscape and planting plans. A planting plan shall be submitted to RP&CA for review. (Parks & Rec)

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

SUP #2007-0062  
525 N. Fayette Street

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