

CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Docket Item #7
SPECIAL USE PERMIT #2007-0058

Planning Commission Meeting
September 6, 2007

ISSUE: Consideration of a request for an amendment to an umbrella SUP to increase the allowable square footage for retail and commercial school in exchange for a reduction in the allowable square footage for office and personal services.

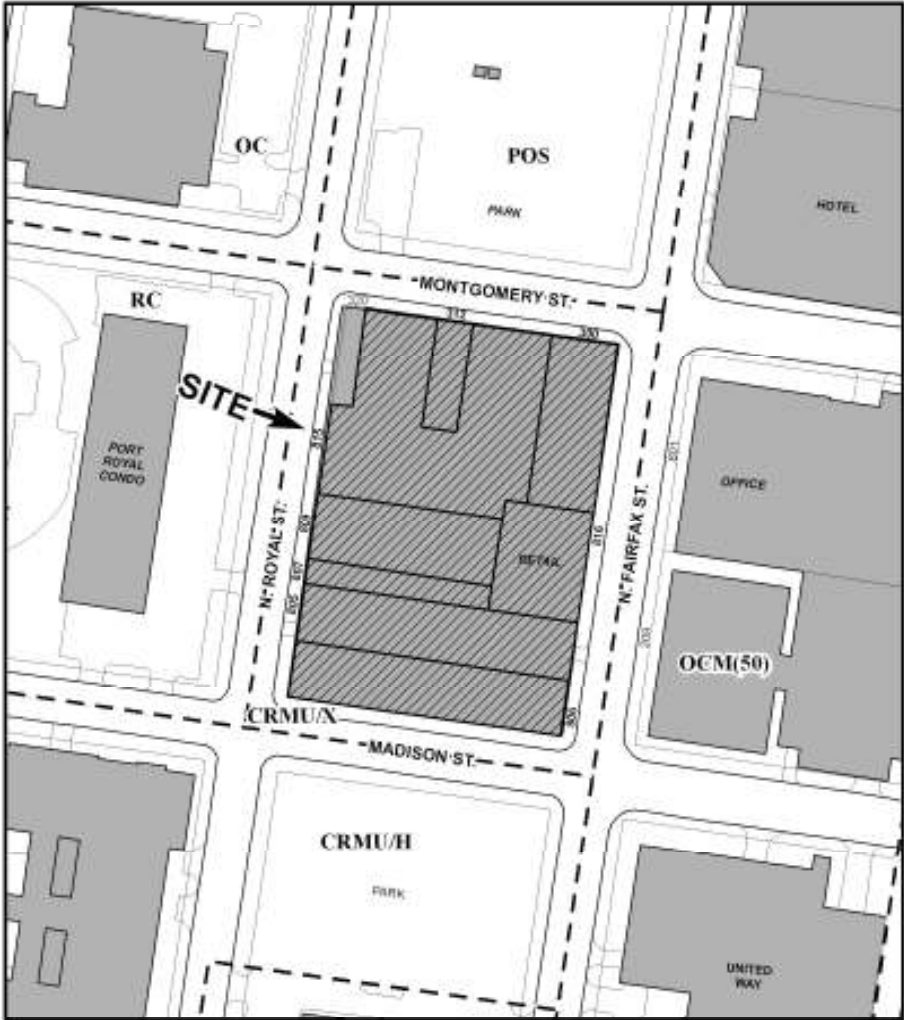
APPLICANT: Bruce Machanic

STAFF: Richard W. Bray
Richard.bray@alexandriava.gov

LOCATION: 300 Montgomery Street
Montgomery Center

ZONE: CRMU-X/Commercial Residential Mixed Use

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 #2007-0058

09/06/07



I. DISCUSSION

REQUEST

The applicant, Bruce Machanic, requests an amendment to special use permit #2004-0080 to transfer square footage from office and personal service uses to retail and commercial school uses.

SITE DESCRIPTION

The subject property is one lot of record which encompasses most of an entire city block with approximately 250 feet of frontage along Madison and Montgomery Streets, and 362 feet of frontage along North Fairfax and North Royal Streets. This property is developed by the Montgomery Center, which is a collection of one and two story office/retail/warehouse buildings with 95,701 square feet of interior space. The center has a wide range of uses, including retail, personal service, office and restaurant uses.



BACKGROUND

In June, 1993, City Council approved Special Use Permit #2684 allowing a specified mix of uses to operate on the property and relieving the applicant of the requirement to secure an individual special use permit for every new tenant. The permit also provides for a parking reduction of 270 spaces, the maximum parking requirement possible under the allowed mix of uses. Per the two year review condition included in SUP#2684, City Council reviewed and reapproved the permit (SUP 95-0057). In December, 1996, Council added 15,000 square feet of commercial school use to the preapproved list of uses covered by the special use permit to allow the Art League to occupy space in the complex (SUP 96-0111). That permit was reviewed as required one year after approval (SUP 97-0153), at which time the SUP was also amended to increase the floor area allowed for restaurants from 3,000 to 5,000 square feet. In November, 2004, City Council approved an amendment to the umbrella special use permit to increase the space devoted to retail and restaurant uses and decrease personal service space.

PROPOSAL

The applicant proposes to increase retail and commercial school square footages at the Montgomery Center. The office and personal service uses will have decreased square footages to provide for the requested increases. The applicant also proposes to increase

the number of students allowed in the commercial schools from 78 to 125. The current and proposed square footages are outlined below:

	<u>CURRENT</u>	<u>PROPOSED</u>
Office	50,000 s.f.	35,000 s.f.
Personal Service	25,000 s.f.	15,000 s.f.
Retail	20,000 s.f.	30,000 s.f.
Restaurant (carry-out)	10,000 s.f.	10,000 s.f.
Commercial School	15,000 s.f. & 78 students	30,000 s.f. & 125 students

PARKING

A parking reduction of 270 spaces, the parking requirement under the allowed mix of uses, was approved as part of the special use permit for this site. Constructed in 1951 without parking, the Center has always operated without off-street parking. The parking reduction was intended to allow the Center to continue to operate as it had prior to its 1992 rezoning, while protecting the community from an intensification of uses.

Dine-in restaurants that occupy space in the Montgomery Center are not included in the parking reduction. All restaurants in the Montgomery Center are required to obtain individual SUPs and dine-in establishments are required to provide off-street parking.

ZONING/MASTER PLAN DESIGNATION

The subject property is zoned CRMU-X/Commercial Residential Mixed Use (Old Town North). All uses other than some residential uses require a special use permit in the CRMU-X zone. The proposed use is consistent with the Old Town North Small Area Plan chapter of the Master Plan which designates the property commercial residential mixed use. The small area plan calls for long term redevelopment of the site in residential uses; however, in the interim a wide range of uses are permitted with a special use permit.

II. STAFF ANALYSIS

Staff supports this amendment to alter the floor space allotments within the Montgomery Center. The increase in retail and commercial school space suits the nature of uses in the Montgomery Center. The re-allocation of floor areas does not increase the technical parking requirements. Furthermore, staff has noticed that parking demand is greatest during the day, and evening parking is more than sufficient. Transferring floor space from office and personal service to retail and commercial school will provide for greater parking turnaround and shift the demand more towards the evening hours when parking is more readily available.

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) (SUP 2684)
2. This special use permit allows the following special uses within the existing Montgomery Center buildings: (P&Z)
 - a. office - up to 35,000 sq.ft.
 - b. personal service - up to 15,000 sq.ft.
 - c. retail - up to 30,000 sq.ft
 - d. carry-out restaurant - up to 10,000 sq.ft.
The owner/operator of any new restaurant shall be required to obtain a separate special use permit.
 - e. commercial school - up to 30,000 sq.ft. and up to 125 students.
3. New businesses that occupy more than 5,000 square feet and constitute a change in use shall require an amendment to this special use permit. (P&Z)
4. A parking reduction is granted for up to 270 spaces, including the four spaces waived in January 1992 for the Old Town Baker under SUP #1622-B. This waiver applies only to office, personal service, retail, commercial school and carry-out uses accommodated within the existing building and within the size limitations set out under Condition #2 above. (P&Z) (SUP 2684)
5. Each new business shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and a robbery awareness program for all employees. (P&Z)

6. The Director of Planning and Zoning shall review the special use permit one year after approval 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 a result of a complaint that rises to the level of a violation, 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: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Richard Bray, Urban Planner.

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:

F-1 T&ES has no objection to the proposed amendment.

Code Enforcement:

F-1 No Comment

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 Five 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 Plans for food facilities must comply with the 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-6 Pool plans must comply with Title 11, Chapter 11, Swimming Pools. Tourist establishment pools must have six (6) sets of plans submitted.
- C-7 Personal grooming facilities must comply with Title 11, Chapter 7, Personal Grooming Establishments.
- C-8 Tanning Salons must meet State Code Title 59.1, Chapter 24.1, Tanning Facilities.
- C-9 Massage facility plans must comply with Title 11, Chapter 4.2, Massage Regulations. All massage therapist must possess a current massage therapist certification, issued by the Commonwealth of Virginia in accordance with the Code of Virginia Chapter 599, § 54.1-3029 and must possess and Alexandria massage permit in accordance with Alexandria City Code Title 11, Chapter 4.2 prior to engaging in any massage activity.

- C-10 Coin-operated dry cleaning facility plans must comply with Title 9, Chapter 4, Coin Operated Dry Cleaning Establishments.
- C-11 Coin operated laundry plans must comply with Title 9, Chapter 5, Coin Operated Laundries.
- C-12 Hotels/Motels must comply with State Code 35.1, Hotels, Restaurants, Summer Camps and Campgrounds.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.
- C-13 Food must be protected to the point of service at any outdoor dining facility.

Parks and Recreation:

- F-1 No comment.

Police Department:

- F-1 The Police Department has no objections to the proposed Umbrella SUP amendments.
- R-1 Each new business shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 and request a security survey for the business and robbery readiness training for all employees.

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