

Docket Item #14  
SPECIAL USE PERMIT #2006-0123

Planning Commission Meeting  
March 6, 2007

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

**APPLICANT:** David Gwathmey

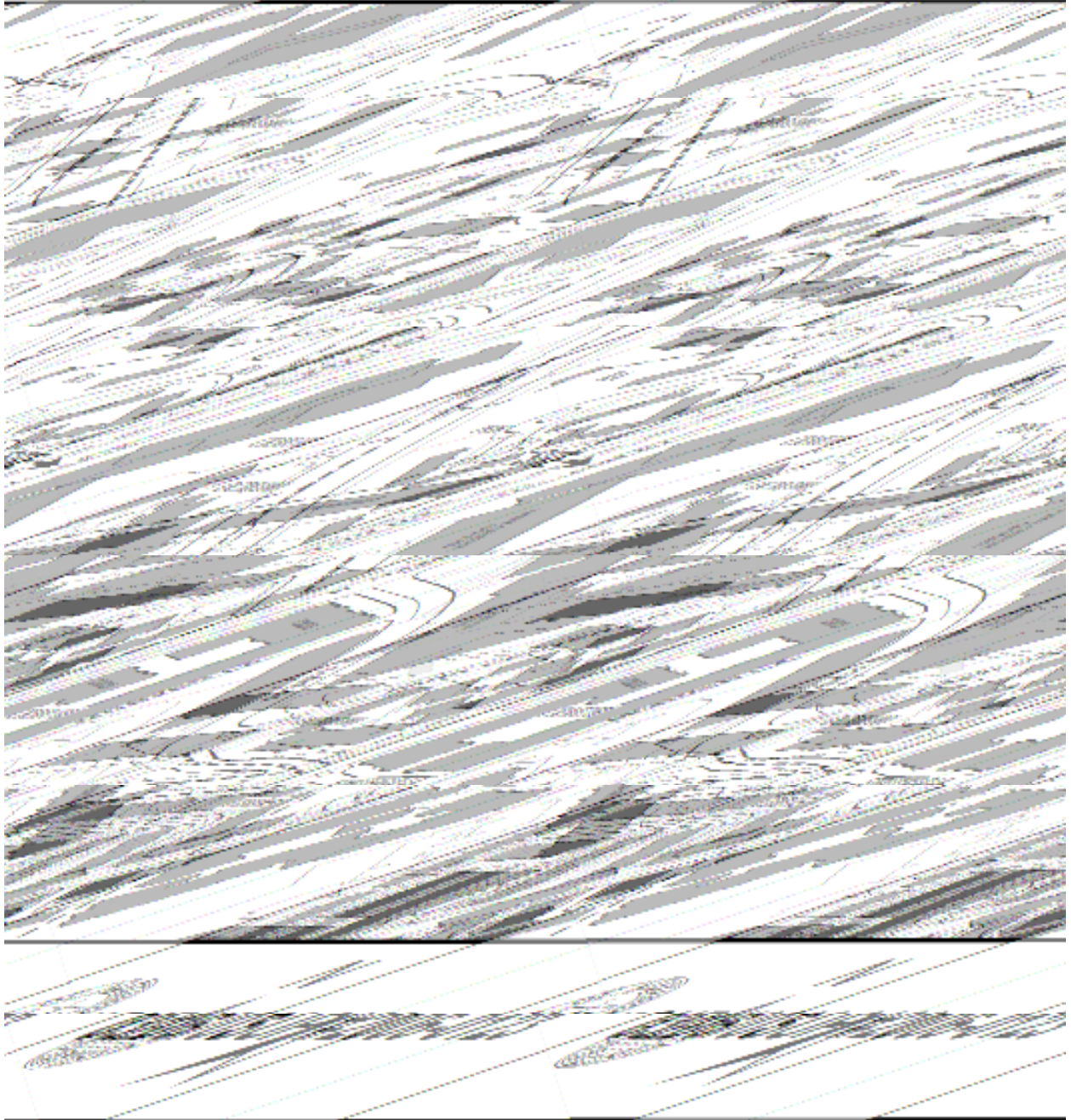
**STAFF:** James Hunt, Planner  
james.hunt@alexandriava.gov

**LOCATION:** 3101 N. Hampton Drive #101

**ZONE:** CRMU-H/Commercial Residential Mixed Use High

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**STAFF RECOMMENDATION:** Staff recommends **approval** of the SUP for the restaurant and parking reduction 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, David Gwathmey requests special use permit approval for the operation of a coffee shop with a parking reduction located at 3101 N. Hampton Drive.

### SITE DESCRIPTION

The subject property is one lot of record with approximately 811 feet of frontage on North Hampton Drive and a total lot area of 4.115 acres. The site is developed with the Northampton Condominium Building. Access to the property is from Northampton Drive.



The surrounding area is occupied by a mix of residential, retail, office, restaurant, and personal service uses. Immediately to the north is a residential development within Arlington County. To the south are the ATEC Office Headquarters, 4401 Ford Avenue Office Building, and Newport Village Garden Apartments. To the east are Sicilian Pizza & Kabob Restaurant and an Exxon Gas Station. To the west is Dutch Girl Cleaners.

### BACKGROUND

On November 17, 2001, City Council approved DSUP#2001-0014 to Park Center Office Building III, LLC and Stone Tract Associates LP to construct two multi-family residential high-rise buildings and for a reduction of 82 off-street parking spaces. The approved development special use permit designated an area on the first floor of the subject building for a commercial establishment, however, restaurant parking was not included in the approved parking reduction.

### PROPOSAL

The applicant proposes to operate a coffee shop with on and off premise beer and wine sales on the first floor of the Northampton Condominium Building. The applicant proposes to sell sandwiches, salads, soups, baked goods, coffee, beer and wine, as well as a variety of non-alcoholic beverages. As proposed, the applicant anticipates the customers of the shop will be residents of the Northampton Condominium buildings and signage for the business will be visible from the courtyard, with no signage on King Street or Northampton Drive. The operations of the business as proposed by the applicant are as follows:

Hours: Daily 7am- 8pm

Number of seats: 29 seats

Noise: The applicant does not anticipate any noise impacts

Trash/Litter: Trash will be collected daily as necessary. The applicant will be distributing trash cans around the business and employees will monitor the area frequently.

Alcohol: On and off premise alcohol sales

Live Entertainment: No live entertainment is being proposed.

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 29 seats will be required to provide 8 off-street parking spaces. The building currently provides 2 parking spaces for the proposed restaurant. The applicant is requesting a reduction of 6 spaces in the off-street parking requirement and has indicated that most customers of the restaurant will be from the condominium building.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-H/ Mixed Use zone. Section 5-303(N) of the Zoning Ordinance allows a restaurant in the CRMU-H Mixed Use zone only with a special use permit.

The proposed use is consistent with the Alexandria West Small Area Plan chapter of the Master Plan which designates the property for high density mixed use residential-commercial use.

**II. STAFF ANALYSIS**

Staff does not object to the restaurant request. Staff is aware that there have been concerns from nearby residents about the availability of parking in the vicinity of the subject property. Staff is supportive of the proposed café, as it will be complimentary to the existing residential use that occupies both condominium buildings, and since there will be no signage for the use visible from either King Street or North Hampton Drive.

Staff is also supportive of the six space parking reduction. The applicant has worked with staff by reducing the amount of seats within the restaurant from 51 seats to 29 seats, reducing the amount of required off-street parking spaces. Since the primary customers will be residents of the condominium building, staff finds the request will not have a negative impact on parking conditions.

With the following conditions, staff recommends approval of the restaurant and parking reduction.

### 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 7am-9pm daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. A parking reduction of 6 spaces shall be granted. (P&Z)
5. 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)
6. The seating capacity shall be limited to 29 seats for the exclusive use of the restaurant. (P&Z)
7. 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)
8. Trash and garbage shall be place in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

11. 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)
12. Loudspeakers shall be prohibited from the exterior of the building. (T&ES)
13. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for employees. (Police)
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) (P&Z)
15. On and off premise alcohol sales are permitted. 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. (Police)
16. 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)
17. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hours. (P&Z)
18. 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)
19. All signage for the restaurant shall be placed so that it is not visible from North Hampton Drive or King Street. (P&Z)

20. 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 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.
- 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 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-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:

- F-1 Applicant shall provide a floor plan showing dimensions of the proposed space, seating diagram, fixture location, aisles and exit door(s) location.
- C-1 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-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 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 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-7 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-8 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-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 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 readiness program for all employees.
- R-3 On and off premise alcohol sales are permitted. 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.

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3101 North Hampton Drive

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

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