

DATE: December 26, 2013

TO: Alex Dambach, Division Chief  
Department of Planning and Zoning

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2013-0067  
Administrative Review for New Use  
Site Use: Outdoor Food & Craft Market  
Applicant: Jim Nicholson  
Location: 600 Dulany Street  
Zone: CDD#1 / Coordinated Development District #1

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### **Request**

Special Use Permit #2013-0067 is a request to operate an outdoor food and craft market adjacent to the United States Patent and Trademark Office at 600 Dulany Street in Carlyle. The market would operate on Wednesdays between the hours of 10 a.m. and 3 p.m. in the northwestern corner of the 600 Dulany Street property near an existing outdoor dining area and between the USPTO main entrance and an adjacent parking garage.

The format will be similar to a farmer's market, except that individual farmer vendors will only occasionally attend the market in person each week. The applicant expects to pick-up produce and other items for sale among a cooperative network of farmers, especially but not exclusively in the southern Maryland area, and sell the items on the farmers' behalf.

### **Background**

Staff received a citizen complaint in late summer of this year regarding the operation of this market without SUP approval. Once made aware, staff required the applicant to file for this SUP request and has forestalled enforcement activity pending approval.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Carlyle-Eisenhower Civic, Carlyle Towers Condominium, and the Royalton at the King Street Metro Associations were sent written notification of the current application. Staff has not received any comments from residents or adjacent businesses.

### **Staff Action**

Staff does not object to the applicant's proposal, which will provide an additional option for Carlyle workers and residents seeking fresh food products. Since it will only operate once each week and during limited hours, the use is not expected to have an impact on

the surrounding area. The location in a plaza near the USPTO main entrance and is appropriate. Although most customers are expected to be employees or residents of the area, ample parking is available in the adjacent parking garage.

Staff has included standard conditions of approval in this report consistent with the requirements of Section 11-511(F) of the Zoning Ordinance. For example, the applicant will be required to identify a market master, and that individual will be responsible for submitting market rules to the Director of Planning & Zoning for approval (Condition #10), for supervising and cleaning the site (Condition #9), and for maintaining records regarding vendors (Condition#12).

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: 12/27/2013  
Action: Approved

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Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) City Department Comments  
3) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT #2013-0067**

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

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. The hours of operation of the outdoor food and crafts market shall be restricted to between 10 a.m. and 3 p.m. on Wednesdays only. (P&Z)
3. Any substantial changes to the existing market layout plan may be approved by the Director of Planning & Zoning upon submission of a revised layout plan and such additional information as the Director may require. (P&Z)
4. No alcohol sales shall be permitted. (P&Z)
5. No on-site food preparation shall be permitted. (P&Z) (Health)
6. No on-site storage of trailers shall be permitted except during the time period from 30 minutes before until one hour after the operating hours for the market. (P&Z)
7. Toilet facilities shall be made available to the public unless the Director of Planning & Zoning determines that their provision is infeasible. (P&Z)
8. The applicant shall designate one person to serve as the Market Master, and at least one other person to serve as alternate, and shall provide to the Director of Planning & Zoning an up-to-date listing of the names of those persons and their home and work telephone numbers. (P&Z)
9. The Market Master or his/her designee shall be present prior to the opening of the market and at the closing of the market and shall oversee the cleanup of the properties and adjacent sidewalk areas at the end of the market day. (P&Z)
10. The Market Master shall maintain a set of rules for the operation of the market. Any changes to these rules require review and approval by the Director of Planning & Zoning. Copies of those rules shall be given to each vendor and made available upon request to nearby residents, businesses and to civic associations in the vicinity. (P&Z)

11. The rules of operation for the market shall state who is eligible to sell goods in the market and under what conditions. It is expected that the market shall include the sales of produce and baked and prepared goods, and that the produce will be predominantly grown by the vendors, except during the spring and late fall when resale produce may predominate. (P&Z)
12. The Market Master shall maintain a list of vendors with addresses and telephone numbers. (P&Z)
13. No equipment shall be cleaned outside nor shall any residue be washed into the streets, alleys or storm sewers. (T&ES)
14. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director. (P&Z)(T&ES)
15. 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)
16. The applicant shall control any air pollution from operations at the site and prevent it from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
17. The market shall comply with the City's noise ordinance. Exterior loudspeakers are prohibited and no amplified sounds shall be audible at the property line. (T&ES)
18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 6:30am. (T&ES)
19. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the market website, and other similar methods. (P&Z)
20. The applicant shall require its employees who drive to work to use off-street parking. The applicant shall encourage its employees and customers 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. (T&ES)

21. The applicant shall obtain Farmers Market Vendor Registration approval from the Alexandria Health Department for the outdoor food and craft market. (Health)
22. 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, 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)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services

R-1 *From Section 11-513(C) of the Zoning Ordinance:*

- (3) The applicant shall encourage its employees and customers 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. (T&ES)
- (5) The applicant shall require its employees who drive to work to use off-street parking.
- (7) Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director. (T&ES)
- (9) Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
- (10) The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)

R-2 *From Section 11-513(F)(5) of the Zoning Ordinance:*

- (b)The market master or his/her designee shall be present prior to the opening of the market and at the closing of the market and shall oversee the cleanup of the lot and adjacent sidewalk areas at the end of the market. (T&ES)

R-3 No equipment shall be cleaned outside nor shall any residue be washed into the streets, alleys or storm sewers. (T&ES)

R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 6:30am.

- 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. (T&ES)

Code Administration

- F-1 No comments

Health Department

- R-1 The mobile truck must come to the Alexandria Health Department to fill out a Farmers Market Vendor Registration prior to operations.

Parks & Recreation

- F-1 No comments received

Police

- F-1 No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0067. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the outdoor food and crafts market at 600 Dulany Street.

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Applicant - Signature

\_\_\_\_\_  
Date

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Applicant – Printed

\_\_\_\_\_  
Date