

DATE: May 2, 2014

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

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0040
Administrative Review for Change of Ownership and Minor Amendment
Site Use: Outdoor Garden Center
Proposed Business Name: Greenstreet Gardens of Del Ray
Applicant: Greenstreet Growers of Virginia, LLC
Location: 1503-1505 Mount Vernon Avenue
Zone: CL/Commercial Low

Request

Special Use Permit #2014-0025 proposes to change the ownership of an outdoor garden center and interior furnishing business at 1503-1505 Mount Vernon Avenue from Linda C. Beal to Greenstreet Growers of Virginia, LLC by Raymond Greenstreet. The applicant requests to continue to operating the business under the trade name of Greenstreet Gardens of Del Ray.

The applicant's minor amendment request relates to the extension of business hours on Saturday and Sunday evenings. The applicant proposes to close two hours later on Saturdays and one hour later on Sundays. The net change in weekly hours results in a reduction of two hours, however, since the business would close one hour earlier between Monday and Friday. No other changes are proposed.

Background

Eclectic Nature opened at the site in 2004 as permitted by SUP#2003-0125. As part of a routine inspection on January 31, 2014, staff observed violations of SUP Conditions 3 and 5 regarding hours of operation and the installation of a bike rack, respectively. In a subsequent inspection, the hours were corrected and staff continued to work with the business owner on the bike rack installation. The business was found to be in compliance with all SUP conditions, including the installation of the bike rack, during its April 29, 2014 inspection.

Parking

According to Section 8-200(A)(16) of the Zoning Ordinance, the 1,500 square-foot outdoor garden center and interior furnishing business was required to provide a minimum of nine parking spaces. A parking reduction of five spaces was granted through SUP#2003-0125 and the business provides the remaining four parking spaces.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the West Potomac Mews Homeowners Association, the DelRay Citizens

Association, the Delray Business Association, and the DelRay Land Use Committee have been informed of the SUP request. The staff has not received any comments from the public.

Staff Action

Staff views the change of ownership to be reasonable and supports the applicant's proposal. The garden and interior furnishings center has proven to be a compatible retail use in the DelRay neighborhood. Staff also supports the minor amendment request to extend weekend hours. This SUP revision should not negatively impact the neighborhood since it reduces the overall weekly hours of the operation.

Several conditions have been amended or added to reflect the current language of standard SUP requirements. Condition 2 adds the applicant's responsibility to promote mass transit alternatives for employees. Conditions 5 and 6 have been deleted since these requirements were one-time property changes that have been addressed. Conditions 13, 14, 15, and 16 regulate exterior sound, litter abatement, posting of hours, and trash storage, respectively.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: May 2, 2014
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2014-0025

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. **CONDITION AMENDED BY STAFF:** The special use permit shall be granted to the applicant only or to any ~~business or entity~~ corporation in which the applicant has a controlling interest. (P&Z) (~~SUP#2003-0125~~)
2. **CONDITION AMENDED BY STAFF:** The required off-street parking shall be reduced by five off-street parking spaces, provided that the applicant shall provide at least four parking spaces and 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. (P&Z) (T&ES) (~~SUP#2003-0125~~)
3. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to between 9:00 A.M. and ~~7:00 P.M.~~ 6:00 P.M., Monday through Friday, 8:00 A.M. to ~~4:00~~ 6:00 P.M., Saturday, and 8:00 A.M. to 5:00 P.M. on Sunday (P&Z) (~~City Council~~) (~~SUP#2003-0125~~)
4. **CONDITION AMENDED BY STAFF:** The applicant shall ~~install~~ maintain all site and facade improvements, including landscaping, fencing and parking spaces, as indicated on the submitted plan and to the satisfaction of the Director of Planning and Zoning. All exterior signs and any architectural changes shall comply with the Mount Vernon Avenue Urban Design Guidelines. (PC) (~~SUP#2003-0125~~)
5. **CONDITION SATISFIED AND DELETED:** ~~The applicant shall install a bike rack on the private property.~~ (P&Z) (~~SUP#2003-0125~~)
6. **CONDITION SATISFIED AND DELETED:** ~~The applicant shall remove the existing driveway apron into 1505 Mt. Vernon Avenue and replace it with city standard curb/gutter.~~ (T&ES) (~~SUP#2003-0125~~)
7. Any installation of additional lighting shall be shielded to avoid glare and excessive spillover lighting onto adjacent properties. (T&ES) (P&Z) (SUP#2003-0125)
8. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Crime~~ Prevention Community Relations Unit of the Alexandria Police Department at 703-746-6838 for a security survey for the business and a robbery awareness program for all employees. (~~Police~~) (~~SUP#2003-0125~~) (P&Z)
9. 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. (P&Z) (SUP#2003-0125)

10. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for 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 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) (~~SUP#2003-0125~~)
11. No trash pick-up by a private hauler shall occur before 8:00 A.M. (PC) (SUP#2003-0125)
12. No deliveries shall be made from the public right-of-way. (PC) (SUP#2003-0125)
13. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
14. **CONDITION ADDED BY STAFF:** 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)
15. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)
16. **CONDITION ADDED BY STAFF:** 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 or debris shall be allowed to accumulate on-site outside of those containers. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- 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) (SUP2003-00125)
- 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). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City’s Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Code Administration:

No comments

Fire Department:

- C-1 Depending on the products and the amounts stored on site, a fire prevention permit may be required for hazardous materials. Please provide a materials inventory stated for evaluation by the Fire Prevention and Life Safety Division.
- F-1 Fire Department has no objection to extending hours of operation.

Health:

No comments received

Parks and Recreation:

No comments received

Police Department:

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0040. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1503-1505 Mount Vernon Avenue.

Applicant – Signature

Date

Applicant – Printed

Date