



DATE: March 1, 2019

TO: Tony LaColla, Division Chief  
Department of Planning and Zoning

FROM: Cara DelVecchio, Non-development Case Unit Intern, Land Use Services  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0002  
Administrative SUP Review for a Change of Ownership  
Site Use: Legal Non-Conforming Retail Florist Shop  
Applicant: McCarthy Flowers Inc  
Location: 139 South Fairfax Street  
Zone: RM/Townhouse Zone

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### **Request**

Special Use Permit (SUP) #2019-0002 is an administrative request to change the ownership of an existing, legal non-conforming retail florist shop from Phyllis Kennedy to McCarthy Flowers Inc. The business known as The Enchanted Florist is a full-service flower shop serving the neighboring residential community. The applicant is not proposing any changes to the conditions of the existing SUP. The hours of operation would remain as 8:00 a.m. to 7:00 p.m., Monday through Saturday, except 8:00 a.m. to 9:00 p.m., Thursday, and 12:00 noon to 4:00 p.m., Sunday. During Thanksgiving, Christmas, and Easter Holiday seasons the hours of operation would be 8:00 a.m. to 9:00 p.m., daily.

### **Background**

The Enchanted Florist has operated at this site since 1983 when it was located in a commercial zone. The property was subsequently rezoned as RM/Residential Medium. City Council approved SUP #2425 to permit a legal non-conforming retail flower shop to continue operation beyond the legal termination date of December 28, 1991, required by Ordinance #3395, for non-conforming uses in a residential zone. In 1991, City Council approved SUP #2425A, granting an increase in hours of operation for the legal non-conforming retail use at this location.

### **Parking**

The business is located in the Central Business District and is not required to provide off-street parking. Nonetheless, SUP condition #3 requires the applicant to pay for employee parking which it provides at two off-street locations. Two parking spaces are available for employees at St. Mary's Church and four spaces are provided at a local warehouse facility at 1020-1022 North Fairfax Street.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Old Town Civic Association received notification of the SUP request. Staff has not received any comments or concerns related to the request.

**Staff Action**

Staff supports the change of ownership as the neighborhood-serving florist shop has compatibility operated at this corner location for over three decades. Minor changes have been made to existing condition language and new conditions have been added in this report for consistency with modern standards.

Staff hereby approves the Special Use Permit request.

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

Date: March 1, 2019

Action: Approved



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Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

## CONDITIONS OF SPECIAL USE PERMIT #2019-0002

The 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 applicants only. (P&Z) (SUP#2425)
2. The Special Use Permit shall be limited to the operation of a retail flower shop, including sales of related gifts and garden supplies, as it is presently operated, and limited to the first floor of the building only. (P&Z) (SUP#2425)
3. The applicants shall continue to pay for parking for their employees. (P&Z) (SUP#2425)
4. Trash and garbage shall be stored inside of the building and collected daily. (P&Z) (SUP#2425)
5. There shall be no outside display of merchandise without a permit issued by the Department of Transportation and Environmental Services. (P&Z) (SUP#2425)
6. The florist shop truck shall park in the Fairfax Street loading zone and not in the adjacent residential parking permit area. (P&Z) (SUP#2425)
7. The hours of operation in which the business is open shall be restricted to the following, as requested by the applicants: (P&Z) (SUP#2425A)
  - a. Monday through Saturday, except Thursday, from 8:00 a.m. to 9:00 p.m.
  - b. Thursday from 8:00 a.m. to 9:00 p.m.
  - c. Sunday from 12:00 noon to 4:00 p.m.
  - d. Thanksgiving, Christmas, and Easter Holiday Seasons from 8:00 a.m. to 9:00 p.m.
8. CONDITION ADDED BY STAFF: All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
9. CONDITION ADDED BY STAFF: The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line (P&Z)

10. CONDITION ADDED BY STAFF: The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the business's website. (P&Z)
11. CONDITION ADDED BY STAFF: The applicant shall require its employees who drive to use off-street parking. (P&Z)
12. CONDITION ADDED BY STAFF: Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (P&Z)
13. CONDITION ADDED BY STAFF: The applicant shall post the hours of operation at the entrance of the business. (P&Z)
14. CONDITION ADDED BY STAFF: 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)
15. 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 closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
16. 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. (P&Z)
17. CONDITION ADDED BY STAFF: Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
18. CONDITION ADDED BY STAFF: Chemicals, detergents, or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
19. CONDITION ADDED BY STAFF: All waste products including but not limited to organic compounds (solvents and cleaners), shall be disposed of in accordance with all local, state, and federal ordinances and regulations. (P&Z)
20. CONDITION ADDED BY STAFF: The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z)

21. CONDITION ADDED BY STAFF: The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z)
  
22. CONDITION ADDED BY STAFF: The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (P&Z)
  
23. CONDITION ADDED BY STAFF: 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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0002. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a legal non-conforming retail florist use at 139 South Fairfax Street.

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Applicant – Signature

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Date

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Applicant – Printed

\_\_\_\_\_  
Date

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0002. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a legal non-conforming retail florist use at 139 South Fairfax Street.

  
Applicant - Signature

3/21/19  
Date

ROBERT J. GOWEN  
Applicant - Printed  
As CFO MCCARTHY FLOWERS INC

3/21/19  
Date