

EXHIBIT NO. 1

8
6-16-01

Docket Item #8
SPECIAL USE PERMIT #2001-0039

Planning Commission Meeting
June 5, 2001

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

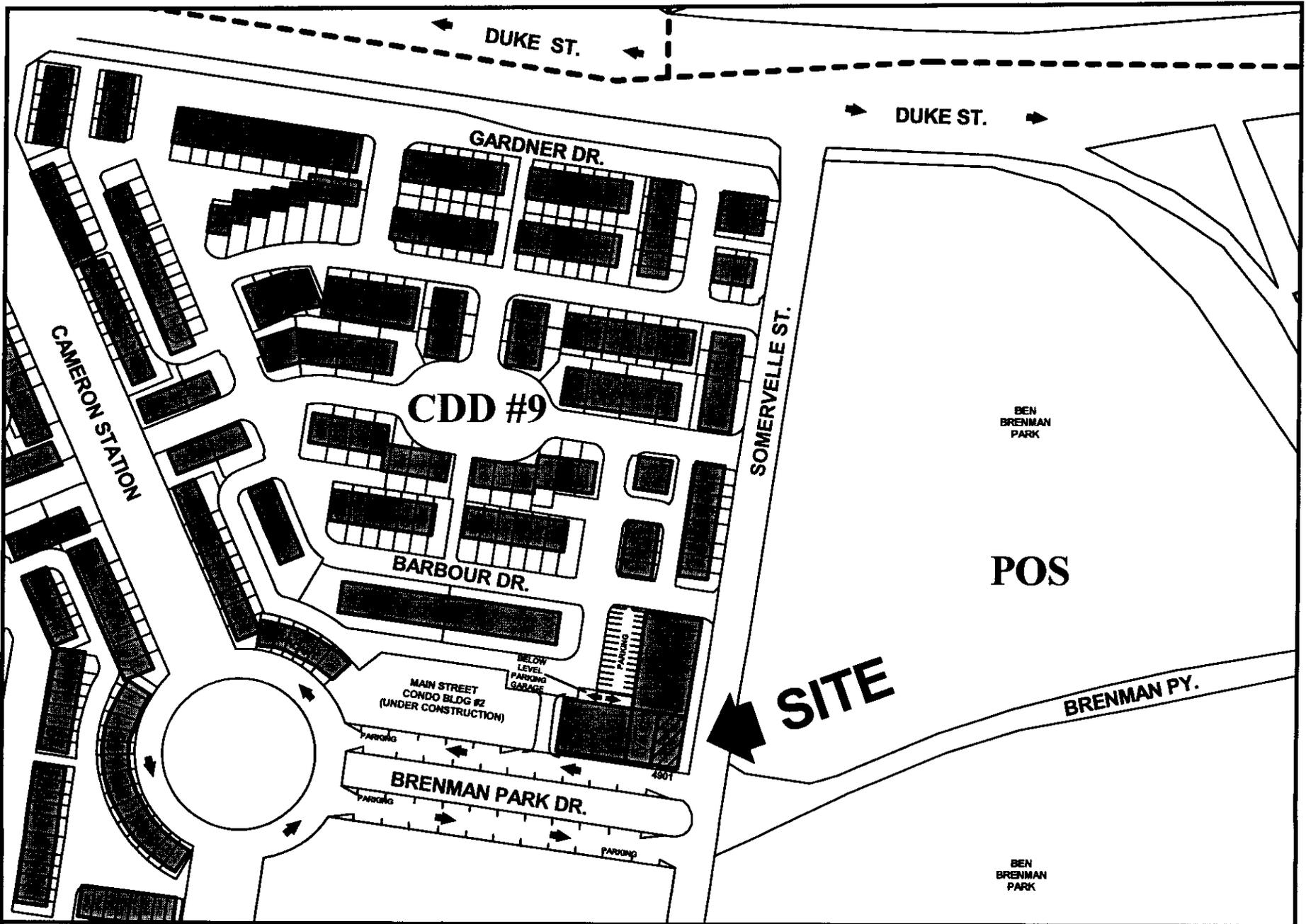
APPLICANT: Tae (Paul) Park

LOCATION: 4901 Brenman Park Drive
Cameron Station

ZONE: CDD-9/Coordinated Development District, Cameron Station

PLANNING COMMISSION ACTION, JUNE 5, 2001: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



2



SUP #2001-0039

06/05/01



STAFF RECOMMENDATION:

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 business or entity in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 14 patrons. (P&Z)
3. Outside dining facilities may be located on private property along Brenman Park Drive and shall not encroach onto the public right-of-way. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. The hours of operation shall be limited from 7:00 a.m. to 10:00 p.m. Monday through Friday, 8:00 a.m. to 10:00 p.m. on Saturdays, and 9:00 a.m. to 8:00 p.m. on Sundays (P&Z)
6. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z)
9. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z)
10. 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 and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
11. 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)

12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
13. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
14. No amplified sound shall be audible at the property line. (P&Z)
15. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees prior to operation. (Police)
16. 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, (b) the director has received a request from any person to docket the permit for review, 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 Notes: 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.

DISCUSSION:

1. The applicant, Tae (Paul) Park, requests special use permit approval for the operation of a restaurant located at 4901 Brenman Park Drive within Cameron Station.
2. The subject property is part of one lot of record with approximately 200 feet of frontage on Somerville Street, approximately 470 feet of frontage on Brenman Park Drive and a total lot area of approximately nine acres. The site is developed with a four story building consisting of ground floor retail and personal service space and three floors of residential space above. A pick up dry cleaner is located adjacent to the space to be occupied by the applicant. The remaining ground floor units are vacant.

To the north, west and south of the site are residences. To the east of the site across Somerville Street is Ben Brenman Park.

3. The Cameron Station plan anticipates retail and personal service uses on the ground floor of two buildings. This request is for the first building located at the corner of Somerville Street and Brenman Park Drive; the second building is under construction.
4. The applicant has filed this application seeking special use permit approval for a restaurant with indoor and outdoor seating. The proposed grocery store use, including the sale of beer and wine, is a permitted use in the zone.
5. The applicant proposes to occupy approximately 2,215 square feet in the southernmost portion of the building located near the intersection of Somerville Street and Brenman Park Drive.
6. The applicant will offer sandwiches, soups, salads, hotdogs and smoothies all to be prepared on the premises. No on-premise alcohol sales or alcohol service is proposed.
7. The applicant also proposes to provide a total of 14 seats. Of the total number of proposed seats, two seats each at three tables, for a total of six seats, is proposed to be located outside the restaurant on Brenman Park Drive. Staff has determined that the seating will be located on private property; therefore, no encroachment approval is required.
8. The proposed hours of operation are 7:00 a.m. to 10:00 p.m. Monday through Friday, 8:00 a.m. to 10:00 p.m. on Saturdays and 9:00 a.m. to 8:00 p.m. on Sundays.
9. The applicant expects three employees will operate the business during peak hours of operation.

10. The applicant expects to receive three to five deliveries weekly between the hours of 10:00 a.m. and 3:00 p.m. A loading dock is located on the western side of the building, with vehicular access to it provided via Comay Terrace.
11. Paper, cups, food wrappers and plastic will constitute the majority of the garbage to be generated by the restaurant. According to the approved site plan, a trash compactor is located behind the loading space.
12. Zoning: The subject property is located in the CDD-9/Cameron Station zone which permits residential, retail, open space and public school uses.
13. Master Plan: The proposed use is consistent with the Landmark/Van Dorn small area plan chapter of the Master Plan which designates the property for CDD-9 uses.

STAFF ANALYSIS:

Staff has no objection to the proposed restaurant located at 4901 Brenman Park Drive. The restaurant will likely serve residents living at Cameron Station and is compatible with the retail and personal service uses envisioned for this building. In addition, the restaurant will offer some outdoor dining which will enliven the area and provide an amenity for nearby residents.

Staff notes that the applicant complies with the technical parking requirement, although many of the parking spaces designated for retail customers on Brenman Park Drive are currently encumbered by the construction fencing that surrounds the property located to the west of the site that is being developed with another residential building with ground floor retail. While those spaces are encumbered, patrons who drive to the applicant's grocery store/restaurant will be forced to park in other locations. Staff notes that parking is permitted along the length of Somerville Street adjacent to the park and could be used by those patrons.

Finally, staff has included the standard restaurant conditions and a condition requiring a review of the restaurant after it has been operational for one year. With these conditions, staff recommends approval of the special use permit.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 Parking for personal service/retail uses was previously approved.

Code Enforcement:

- C-1 The proposed space is classified as A3 mercantile and assembly, and as such is subject to the mixed use provisions of BOCA Section 313.
- C-2 A second exists required for this use.
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-5 A Fire Prevention Code permit is required for the proposed use. An egress plan shall accompany the permit application.
- C-5 A rodent control plan shall be submitted to this office for review and approval. The following elements shall be included in this plan:
 - a. Foods stuff storage
 - b. Trash storage and remains
 - c. Rodent baiting.

Health Department:

- C-1 An Alexandria Health permit is required for all regulated facilities.
- C-2 Five sets of plans are to 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-3 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- C-5 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.
- C-6 The plan for this facility shows only one restroom available for customers and employees. They are limited to a Total occupancy of 15 persons unless they provide two restrooms.
- C-7 Outside seating requires that food must be protected to the point of service.

Police Department:

- R-1 Security survey for the business.
- R-1 Robbery awareness program for all employees.
- R-3 Recommend if ABC license off is approved the following conditions are to be met.
 - A. Beer and wine may be sold only in 4-packs, or bottles of no more than 40 fluid ounces. If wine is to sold, it can only be sold 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.
 - B. That the SUP is reviewed after one year.

APPLICATION for SPECIAL USE PERMIT # 2001-0039

[must use black ink or type]

PROPERTY LOCATION: 4901 Brenman Park Dr., Alex

TAX MAP REFERENCE: _____ ZONE: _____

APPLICANT Name: Tae (Paul) Park

Address: 2824 Laura Gae Cir Vienna, VA 22180

PROPERTY OWNER Name: Greenvest LC

Address: 8614 Westwood Ctr. Dr. #900 Vienna, VA 22182

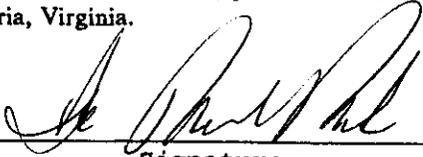
PROPOSED USE: Restaurant

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Tae (Paul) Park
Print Name of Applicant or Agent


Signature

2824 Laura Gae Cir
Mailing/Street Address

703-819-5100 703-876-6118
Telephone # Fax #

Vienna VA 22180
City and State Zip Code

3/26/01
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (*check one*) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
- No. The agent shall obtain a business license prior to filing application, if required by the City Code.
2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

We propose to sell the following items: beer, wine, sodas, juices, pastries, coffee, coffee beans, tea, smoothies, dairy, yogurt, pasta, sauces, cereal, breakfast products, pre-packaged sandwich meats, chips, cookies, candy, salsa, dips, canned foods, ~~fr~~ canned fruits, canned vegetables, bread, frozen foods, frozen vegetables, ice cream, condiments (i.e. ketchup, mustard...), household items such as laundry detergent, soap, cleaning products, paper towels, toilet paper, napkins, batteries, film, over the counter medicine. cups, plates, pet food & products.

We plan to run a class A establishment consistent with Cameron Station. Our patrons will consist of residents of Cameron station and expect a majority to walk to this store because of its central location.

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

at peak periods, we anticipate about 10 patrons
in the store at one time.

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

at peak periods, there will be three staff
members on duty

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Monday - Friday
Saturday
Sunday

Hours:

7:00 am - 10: pm
8:00 am - 10:00 pm
9:00 am - 8: pm

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

N/A

B. How will the noise from patrons be controlled?

Don't anticipate any noise from patrons outside of normal conversation.

8. Describe any potential odors emanating from the proposed use and plans to control them:

We will not be cooking or serving anything to cause any odors. Trash will be emptied timely and as necessary

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Mostly paper, cups, and wrappers & plastic.

B. How much trash and garbage will be generated by the use?

One to two bags per day.

C. How often will trash be collected?

There is a dumpster around the building that will be emptied twice per week along w/ condo trash.

D. How will you prevent littering on the property, streets and nearby properties?

There are plans to place trash containers throughout the development, which includes the area in front of the store

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

We will adhere to all state and local laws regarding safety.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

We have applied for off-premises license with VA ABC.
Sales will consist of only beer in six packs or greater,
no single servings, and wine approved by Alex rules.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

B. How many parking spaces of each type are provided for the proposed use:

_____ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? _____

B. How many loading spaces are available for the use? _____

C. Where are off-street loading facilities located? _____

D. During what hours of the day do you expect loading/unloading operations to occur?

Between 10am - 3pm

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

3 to 5 times per week

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

2215 sq. ft. (existing) + _____ sq. ft. (addition if any) = 2215 sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other, please describe: 1st floor of Condo.

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: ~~8~~ 8 At a bar: _____ Total number proposed: ~~8~~ 14

2. Will the restaurant offer any of the following?

_____ alcoholic beverages _____ beer and wine (on-premises)
X beer and wine (off-premises)

3. Please describe the type of food that will be served:

Prepared sandwiches, soups, salad, hot dogs, smoothies

4. The restaurant will offer the following service (check items that apply):

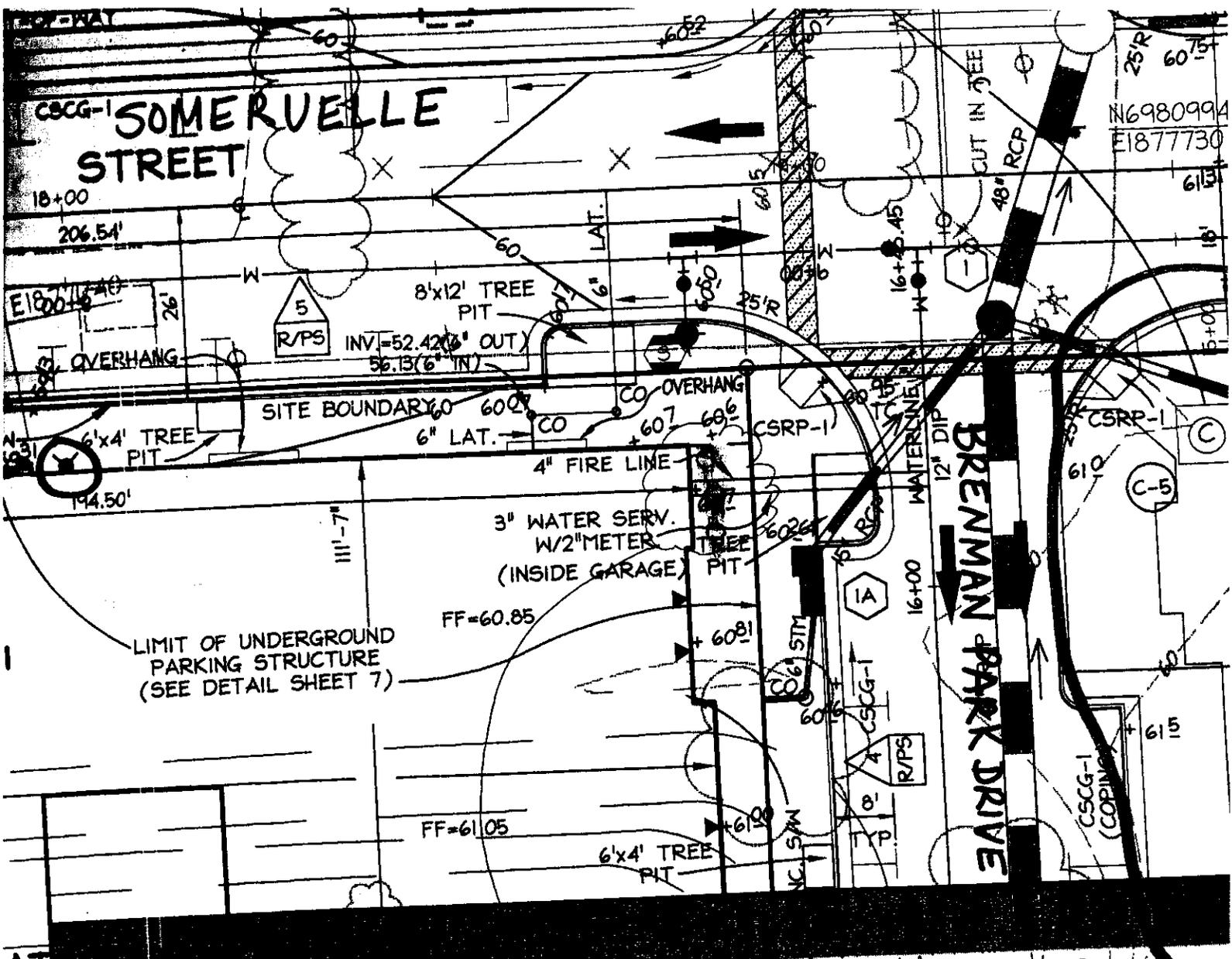
_____ table service _____ bar X carry-out _____ delivery

5. If delivery service is proposed, how many vehicles do you anticipate? N/A

Will delivery drivers use their own vehicles? ___ Yes. ___ No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? ___ Yes. X No.

If yes, please describe: _____



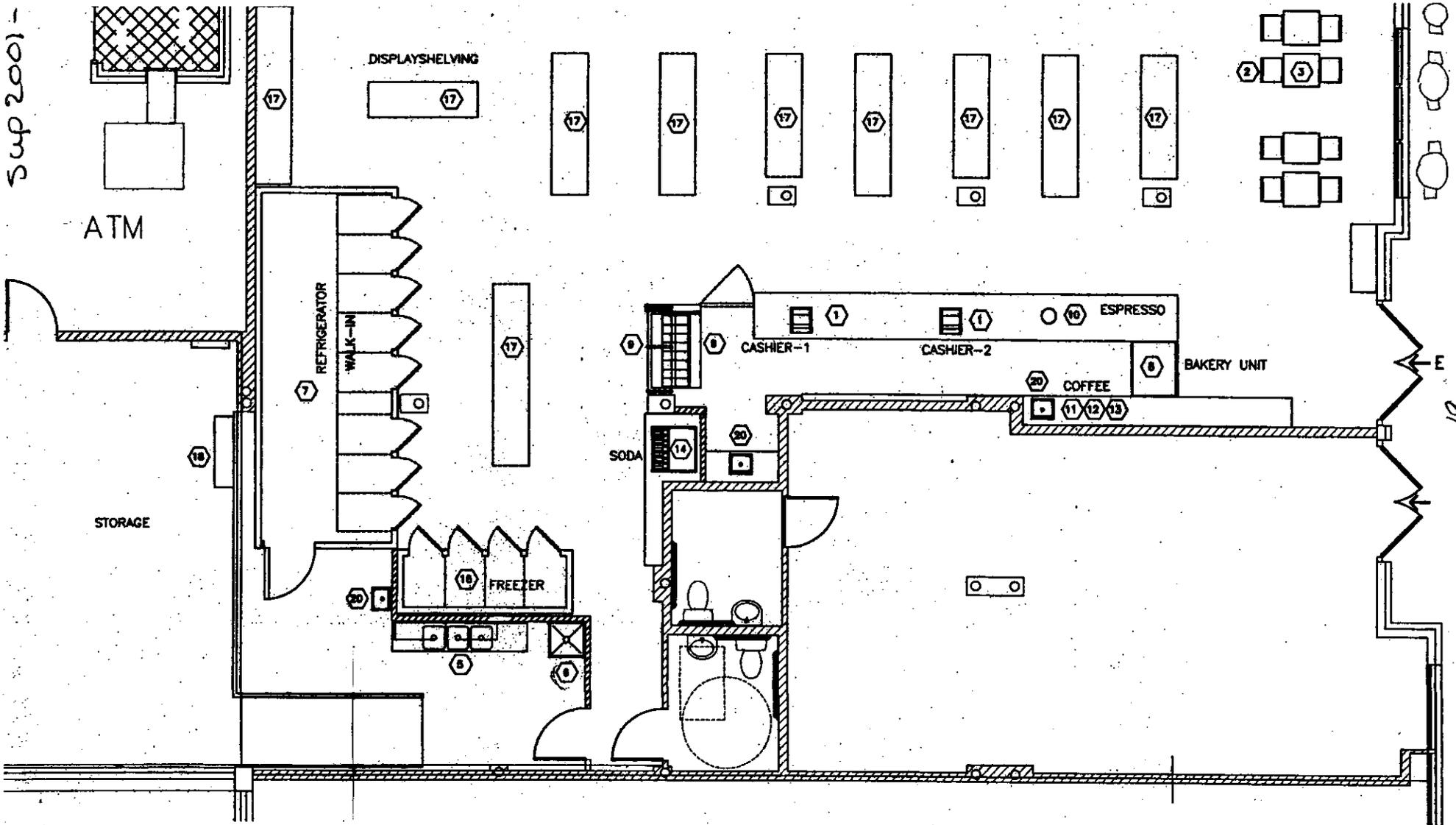
proposing six seats outdoors with 3 tables

NOTES:

1. ALL UNITS WITH SIDEWALK AND GARAGE ACCESS FROM THE FRONT SHALL HAVE MODIFIED CITY (CSER-1) DRIVEWAY ENTRANCES AS DETAILED ON SHEET 8. THOSE WITHOUT SIDEWALK SHALL HAVE STANDARD CSER-1 DRIVEWAY ENTRANCES AS DEPICTED IN THE CITY'S DESIGN AND CONSTRUCTION STANDARDS.
2. ALL UNITS WITH GARAGE ACCESS FROM REAR ALLEYS SHALL HAVE DRIVEWAY ENTRANCES WITH CURB AS DETAILED ON SHEET 8.
3. SEE SHEETS 6 AND 7 FOR TYPICAL UNIT DETAILS.

Sup 2001-0039

sup 2001-0039



1/A-2 EQUIPMENT FLOOR PLAN
 SCALE : 1/4"=1'-0"

19
 TO OPERATOR PLAN

APPLICATION for SPECIAL USE PERMIT # 2001-0039

[must use black ink or type]

PROPERTY LOCATION: 4901 Brenman Park Dr., Alex

TAX MAP REFERENCE: _____ ZONE: _____

APPLICANT Name: Tae (Paul) Park

Address: 2824 Laura Gae Cir Vienna, VA 22180

PROPERTY OWNER Name: Greenvest LC

Address: 8614 Westwood Ctr. Dr. #900 Vienna, VA 22182

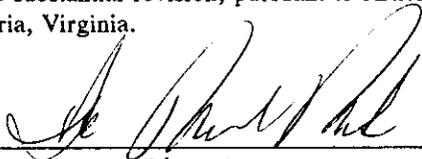
PROPOSED USE: Restaurant

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Tae (Paul) Park
Print Name of Applicant or Agent


Signature

2824 Laura Gae Cir
Mailing/Street Address

703-819-5100 703-876-6118
Telephone # Fax #

Vienna VA 22180
City and State Zip Code

3/26/01
Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 6/5/01 Recommended Approval UC

ACTION - CITY COUNCIL: 6/16/01PH--CC approved the Planning Commission recommendation.