

EXHIBIT NO. 1

9
6-12-04

Docket Item #10
SPECIAL USE PERMIT #2004-0038

Planning Commission Meeting
June 1, 2004

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

APPLICANT: Vishal Tandon
by Tina Rayner

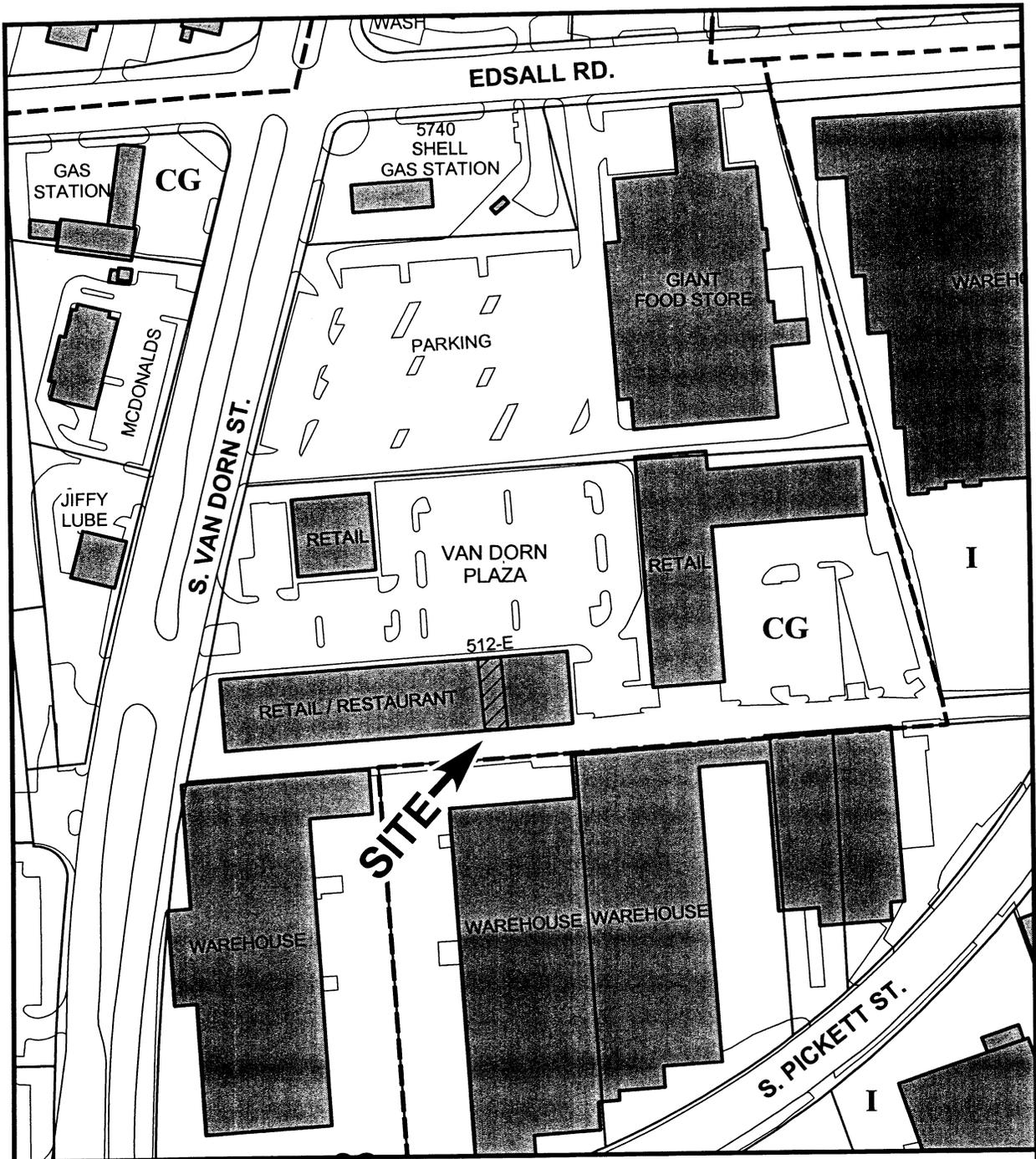
LOCATION: 512-E South Van Dorn Street

ZONE: CG/Commercial General

PLANNING COMMISSION ACTION, JUNE 1, 2004: 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.

STAFF RECOMMENDATION: Staff recommends **approval** of the request, subject to compliance with all applicable codes, ordinances and recommended permit conditions in Section III of this report.



SUP #2004-0038

06/01/04



I. DISCUSSION

REQUEST

The applicant, Vishal Tandon, requests special use permit approval for the operation of a restaurant located at 512-E South Van Dorn Street.

SITE DESCRIPTION

The subject property is part of one lot of record with 313 feet of frontage on South Van Dorn Street, 911 feet of depth and a total lot area of five acres. The site is developed with a shopping center consisting of four buildings with 75,000 square feet of retail and warehouse space. Unit 512-E is located in the southernmost building. The tenant space was most recently occupied by the Chris Collins Dance Studio.

PROJECT DESCRIPTION

This application is a request to operate a Quizno's restaurant, serving subs, sandwiches, soup, salads, chips, cookies, and other desserts. The restaurant will offer carry out and table seating. Alcohol service, delivery, and live entertainment are not proposed.

- Hours of Operation: The hours are proposed to be 11:00 a.m. to 9:00 p.m. Monday through Saturday and 12:00 noon to 8:00 p.m. on Sunday.
- Seats: The applicant proposes 31 seats.
- Employees: There will be four to five employees on site at any one time.
- Trash: Trash facilities are provided by the shopping center and are picked up daily.
- Loading/Unloading: Loading of food and other supplies will occur at the rear of the building.

PARKING

Pursuant to Section 8-100 (A) (8) of the Zoning Ordinance, a restaurant with 31 seats must provide 8 parking spaces. Parking for retail uses in the subject building at Van Dorn Station were approved in Site Plan (#88-036). The center was approved for a total of 287 parking spaces for retail and warehouse uses.

ZONING

The subject property is located in the CG/Commercial General zone. Section 4-403 (Y) of the Zoning Ordinance allows restaurants in the CG zone only with a special use permit.

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 general commercial use.

II. STAFF ANALYSIS

Staff does not object to the proposed restaurant at 512-E South Van Dorn Street. Because the restaurant is in a shopping center, many of the impacts normally associated with a restaurant can be better controlled, including that there is adequate parking, ample area for vehicular circulation to accommodate loading and trash trucks, building staff to monitor maintenance and upkeep issues at the property, and that the restaurant is not located in the immediate proximity of residential uses reducing the potential for negative impacts caused from the restaurant. Staff did not observe any problems with litter or other maintenance problems on the premises.

Staff recommends a one year review condition to ensure that the operation continues to function as described in this report. Staff recommended extended hours to be consistent with other restaurant hours in the center. Staff has also included all of the standard restaurant conditions.

With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED PERMIT CONDITIONS

Staff recommends **approval** of the request subject to compliance with all applicable codes, 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 31 patrons. (P&Z)
3. No outside dining facilities shall be located on the premises. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. The closing hour shall be no later than 12:00 midnight daily. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
7. Sale of alcoholic beverages shall be prohibited. (P&Z)

8. No food, beverages, or other material shall be stored outside. (P&Z)
9. Trash and garbage shall be stored 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)
10. 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)
11. The applicant shall install one trash container both inside and outside the restaurant for patron's use. (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 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 and Environmental Services. (T&ES)
14. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES)
15. 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)
16. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
17. 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)

18. The applicant shall encourage its employees 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. (P&Z)
19. 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)

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

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 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 and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.
- 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.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 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-3 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-4 The current use is classified as M - Mercantile; the proposed use is A- Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4)
- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-7 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-8 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.
- C-2 Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the 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 Permits must be obtained prior to operation.
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.

- C-5 Certified Food Managers must be on duty during all hours of operation.
- C-6 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 Crime Prevention 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 Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 Recommend "ABC On" license only. If "ABC Off" is approved we recommend the following conditions:
 - 1. 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.
 - 2. That the SUP is reviewed after one year.

APPLICATION for SPECIAL USE PERMIT # 2004-0038

(must use black ink or type)

PROPERTY LOCATION: Van Dorn Station
512-E S. Vandorn St.
Alexandria, VA 22304

TAX MAP REFERENCE: T.M. 67-00-02-01
Parcel 3493-0-01 ZONE: C-1
F-1

APPLICANT Name: Vishal Tandon

Address: 14402 Autumn Gold Rd. Boyd's, MD
20841

PROPERTY OWNER Name: WJR Investments, L.L.C

Address: 4901 Fairmont Ave, Suite 200 Bethesda, MD
20814

PROPOSED USE: A-2 Restaurant (Quiznos Sub Shop)

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.

Tina Rayner
Print Name of Applicant or Agent

Tina Rayner
Signature

316 N. Charles St., Suite 200
Mailing/Street Address

410-752-2700 410-752-2752
Telephone # Fax #

Baltimore, MD 21201
City and State Zip Code

2/27/04
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

Special Use Permit # 2004-0038

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 8 1/2" 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

Special Use Permit # 2004-0038

- 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)

Interior buildout for subshop w/ new partitions, ceiling, lighting, finishes, plumbing fixtures and specialty equipment. No demolition to be done. There will be some carryout and dining in. No alcohol to be served. No waiters/waitresses. There will be about 4-5 employees at each shift. The hours are: Mon-Sat. 11-9pm
 Sunday 12-8pm.

There will not be any extensive noise. The parking provided by the shopping center should be sufficient because our space was a restaurant at one point.

Special Use Permit # 2007-0038

USE CHARACTERISTICS

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

- a new use requiring a special use permit, however this space was a restaurant at one point before the previous tenant.
- 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).

4-5 employees. During lunch, the sub shop can hold up to 31 people (Dining in)

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

4-5 employees at one time.

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

Day:	Hours:
<u>Mon-Sat</u>	<u>11-9</u>
<u>Sun.</u>	<u>12-8</u>
_____	_____
_____	_____

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

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

the noise level will not be out of the ordinary

B. How will the noise from patrons be controlled?

Special Use Permit # 2004-0038

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

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?

paper + food

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

3 cubic yards a week

C. How often will trash be collected?

once a week

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

There will be trash facilities
provided by the shopping center.

Special Use Permit # 2004-0038

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:

Only cleaning products.

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

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.

Special Use Permit # 2004-0038

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:

171 Standard spaces

110 Compact spaces

4 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:

at the shopping center

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?

Special Use Permit # 2004-0038

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

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?

1,430 sq. ft. (existing) + _____ sq. ft. (addition if any) = 1,430 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: Vandorn Station

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

other, please describe: _____

Special Use Permit # 2004-0038

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: 31 At a bar: — Total number proposed: 31

2. Will the restaurant offer any of the following?

NO alcoholic beverages NO beer and wine (on-premises)

NO beer and wine (off-premises)

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

Subs / sandwiches, salad, soup, chips,
cookies, Brownies, cake slices.

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? —

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: —
—
—

Supplemental Application

Restaurant

PROVIDE STAINLESS STEEL
CLOSURE PIECES TO SEAL AIR
SPACE BETWEEN HALL AND
COOLERS. SEAL WITH CLEAR
SEALANT - TYP.

ELECTRICAL PANEL
LOCATION - VERIFY

FREEZER HEIGHT IS 4'-0" AFF.
VERIFY CEILING HEIGHT TO BE
A MINIMUM OF 10'-0" AFF.
(CLEAR SPACE) TO
ACCOMMODATE A TOP MOUNT
COMPRESSOR UNIT. REMOTE
UNITS REQUIRE A MINIMUM 12'-0"
AFF. (CLEAR SPACE)

MAINTAIN AIR SPACE PER
MANUFACTURER'S
RECOMMENDATIONS FOR FREEZER
AND COOLER

P.O.S. MANAGER'S DESK
AREA SEE ELEVATION 0461
SHEET A81

TECH BURN
(8-2)

LINE OF SOFFIT
ABOVE

TOASTER MUST BE LOCATED
6" TO 8" AWAY FROM
SHIELD GUARD TO PREVENT
GLASS FROM BREAKING

8'-0" DOUBLE
ACTION SPRING GATE

TYP.

LINE OF SOFFIT
ABOVE

TECH BURN
(8-2)

TECH BURN
(8-2)

APPLICATION for SPECIAL USE PERMIT # 2004-038

(must use black ink or type) Van Dorn Station
PROPERTY LOCATION: 512-E S Vandorn St.
Alexandria, VA 22304
T.M. 67-00-02-01
TAX MAP REFERENCE: Parcel 3493-0-01 ZONE: C61
F=1

APPLICANT Name: Vishal Tandon
Address: 14402 Autumn Gold Rd. Boyd's, MD
20841

PROPERTY OWNER Name: WJR Investments, L.L.C.
Address: 4901 Fairmont Ave, Suite 200 Bethesda, MD
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Tina Rayner
Print Name of Applicant or Agent

Tina Rayner
Signature

316 N. Charles St., Suite 200
Mailing/Street Address
Baltimore, MD 21201
City and State Zip Code

410.752.2700 410.752.2752
Telephone # Fax #
2/27/04
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: 06/01/04 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: 6/12/04 Approved 6-0

07/26/99 p:\ zoning\pc-rpf\forms\app-sup1