

EXHIBIT NO. 1

8
11-15-03

Docket Item #3
SPECIAL USE PERMIT #2003-0090

Planning Commission Meeting
November 6, 2003

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

APPLICANT: Layek Ahmad Chowdhury

LOCATION: 356 South Pickett Street

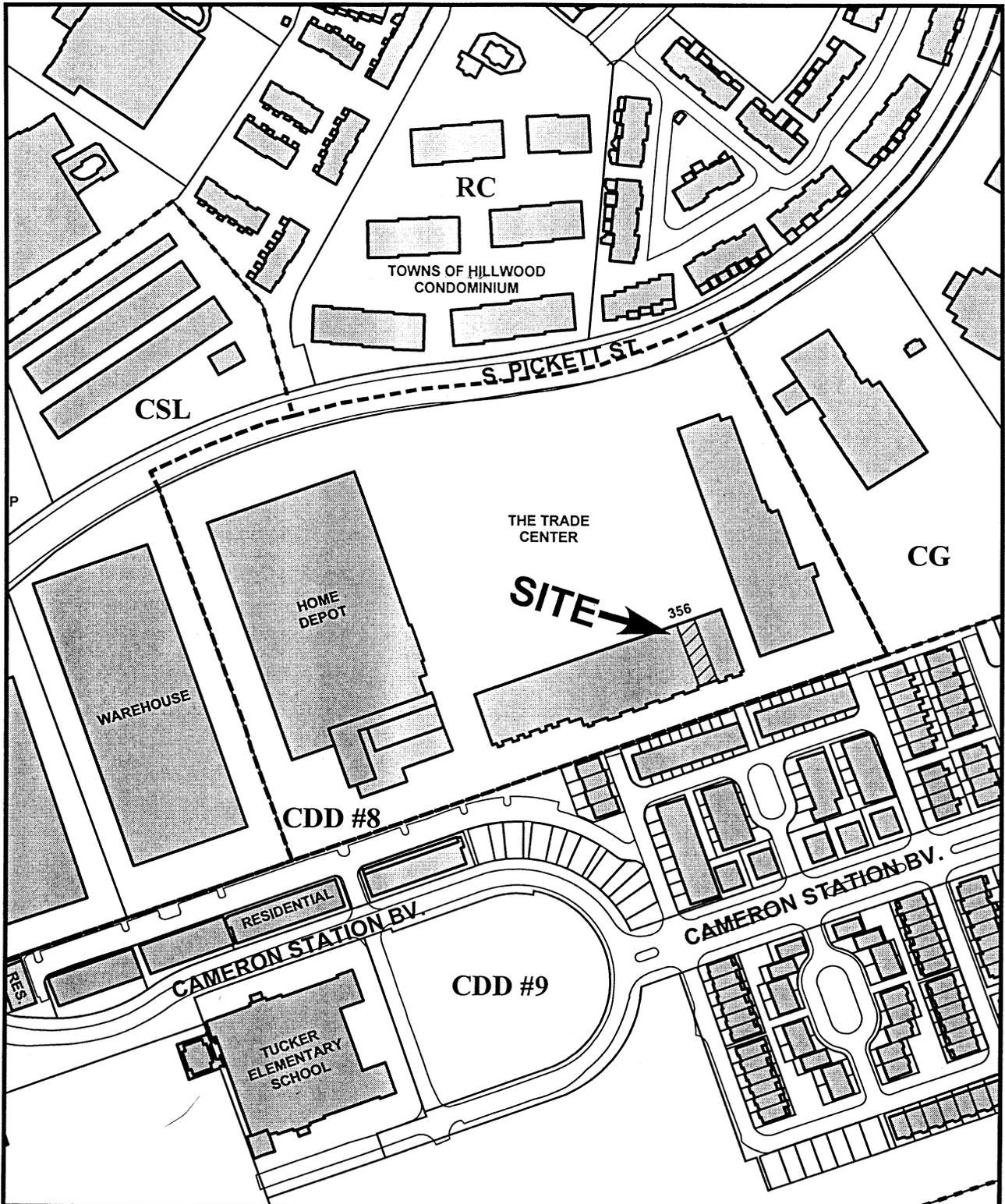
ZONE: CDD/Coordinated Development District

PLANNING COMMISSION ACTION, NOVEMBER 6, 2003: On a motion by Mr. Komoroske, seconded by Mr. Jennings, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 6 to 0. Mr. Wagner was absent.

Reason: The Planning Commission agreed with the staff analysis, noting that there are City Code regulations regarding noise and hours of trash pick up, and residents can contact the city if they observe any noise from late night deliveries and trash pick up.

Speakers:

Carol Moore, resident at 385 Livermore Lane, raised concerns about noise from deliveries and trash pick up from the shopping center, although she acknowledged that the ice cream shop will not generate much noise or trash.



SUP #2003-0090

11/06/03



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 inside for no more than 22 patrons. (P&Z)
3. No outside dining facilities shall be located on the premises. (P&Z)
4. The hours of operation shall be limited to 11:00 A.M. to 9:00 P.M., daily. (P&Z)
5. No food, beverages, or other materials shall be stored outside. (P&Z)
6. 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)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
8. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
9. The applicant shall control cooking 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 & Environmental Services. (T&ES)
10. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
11. No live entertainment shall be provided at the restaurant. (P&Z)
12. No alcohol service shall be permitted. (P&Z)

13. Meals served 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)
14. 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. 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.
16. The Director of Planning and Zoning shall review the special use permit one year after the business is operational 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 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 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.

DISCUSSION:

1. The applicant, Layek Ahmed Chowdhury, requests special use permit approval for the operation of a restaurant located at 356 South Pickett Street.
2. The subject property is one lot of record with approximately 1,000 feet of frontage on South Pickett Street, 600 feet of depth and a total lot area of approximately 15 acres. The site is developed with three commercial buildings of multiple tenant spaces that make up the Trade Center shopping center. The center is occupied by various retail uses including Dollar Depot Plus, a mattress store, a Post Office, and Home Depot. There are two other restaurants in the center including Pepi's Pizza Box and Dave and Chung's Restaurant. The subject tenant space totals 1,500 square feet and is located at the north end of the center building and is currently occupied by Marlene's Cake, Candy and Party Supplies, between the Mediterranean Bakery and Café, which offers some seating, and Ace Wigs and Hair. Residential uses are located behind the center and across South Pickett Street. Mercedes Benz of Alexandria is located immediately to the northeast, and a commercial warehouse is located immediately to the southwest.
3. The applicant proposes to operate an ice cream shop. The store will sell ice cream from a food line. Tables for 22 patrons will be provided. The hours of operation will be 11:00 a.m. to 9:00 p.m. daily.
4. The Trade Center is governed by several approvals, including a Transportation Management Plan (SUP #2506). The TMP speaks directly to the issue of restaurants in the Center and provides:

“As no additional parking has been provided for restaurants, restaurants may be placed in the designated retail space only if they require no more parking (at 1 space per 4 seats) than would the retail use of that space (at 1.2 spaces per 230 nsf). That is, a SUP may be approved only for restaurants which contain 12 or fewer seats per 575 nsf of total space. Restaurants containing more than 12 seats per 575 nsf may be approved if the applicant can show, to the satisfaction of the Director of Planning and Community Development, that parking will be adequate.”

Section 8-200(A)(8) of the Zoning Ordinance requires one off-street parking space for each four seats in a full service restaurant. In this case, the restaurant proposes to have 22 seats, for a requirement of six spaces. According to the parking calculations assumed in the TMP, the subject tenant space already assumes a parking requirement of eight spaces. Therefore, the subject restaurant meets the parking requirement. The Trade Center parking lot includes a total of 855 spaces.

5. Trash will include paper and cardboard products. Dumpsters are located at the back of the building, and the property management arranges for pick up once a week. The applicant will install trash cans at the front of the store to prevent littering.
6. Zoning: Section 4-403(Y) of the 1992 Zoning Ordinance permits a restaurant in the CDD #8, Coordinated Development District only with a special use permit. The underlying zone is CG, Commercial General. The Home Depot/Trade Center project is developed pursuant to Transition Special Use Permit #2505 granted by City Council on September 14, 1991.
7. Master Plan/Zoning: The subject property is located in a CDD, Coordinated Development District (#8) zone with an underlying zone classification of CG, Commercial General. The property is identified in the Landmark/Van Dorn Small Area Plan for commercial land use.

STAFF ANALYSIS:

Staff does not object to the proposed ice cream shop located at 356 South Pickett Street. The center currently does not have an ice cream shop, and the use will be a good addition to the existing mix of retail uses located there. There is ample parking for the small ice cream shop. Staff has added the standard restaurant conditions.

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

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

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.
- 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 cooking 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 & Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible 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. Four 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 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.

- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 313.0.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-7 The current use is classified as M; the proposed use is A. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 115.4) and compliance with USBC 118.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities. A new Certificate of Occupancy is required (USBC 115.4).
- 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.

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356 South Pickett Street

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.

APPLICATION for SPECIAL USE PERMIT # 2003-0090

[must use black ink or type]

PROPERTY LOCATION: 356 S Ridge St Alexandria

TAX MAP REFERENCE: 58.03 03 03 ZONE: CDD-8

APPLICANT Name: LAYEK AHMED CHOWDHURY

Address: 1211 S FREDERICK ST ARLINGTON 22304

PROPERTY OWNER Name: THE TRADE CENTER

Address: 830 HERBERT SPRINGS RD, ALEXANDRIA 22308

PROPOSED USE: ICE CREAM STORE

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.

LAYEK AHMED CHOWDHURY *Layek Chowdhury*
Print Name of Applicant or Agent Signature

1211 SOUTH FREDRICK ST 703 820 4617 703-533-9834
Mailing/Street Address Telephone # Fax #

ARLINGTON VA-22204 8-12-2003
City and State Zip Code 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.

Lays K Ahmed Chowdhury, sdz
shareholder of corporation to be formed

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.

Exh A to Base

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)

This store will sell ice cream products from a food line. Tables w/ no service are provided. Most patrons will carry their food away (disposal provided outside). We expect a

minimum of seventy patrons per day, served by two or three employees. There is a large common parking lot in existence. No unusual noise will be generated.

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).

several customers per day

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

three (maximum)

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

Day: seven days

Hours: 11 a - 9 pm

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

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

none

B. How will the noise from patrons be controlled?

N/D

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

Noise

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 + cardboard

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

twenty pounds per day

C. How often will trash be collected?

Garbage pickup once a week

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

trash cans in front of shop

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?

no particular safety hazards

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.

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?

1 space for every 4 seats = 6 spaces

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? one

C. Where are off-street loading facilities located? behind shop

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

Morning

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

once 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?

no improvements necessary

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?

1500 sq. ft. (existing) + — sq. ft. (addition if any) = — 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: Trade Center

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

other, please describe: _____

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

2. Will the restaurant offer any of the following?

— alcoholic beverages — beer and wine (on-premises)

— beer and wine (off-premises)

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

ICE Cream

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

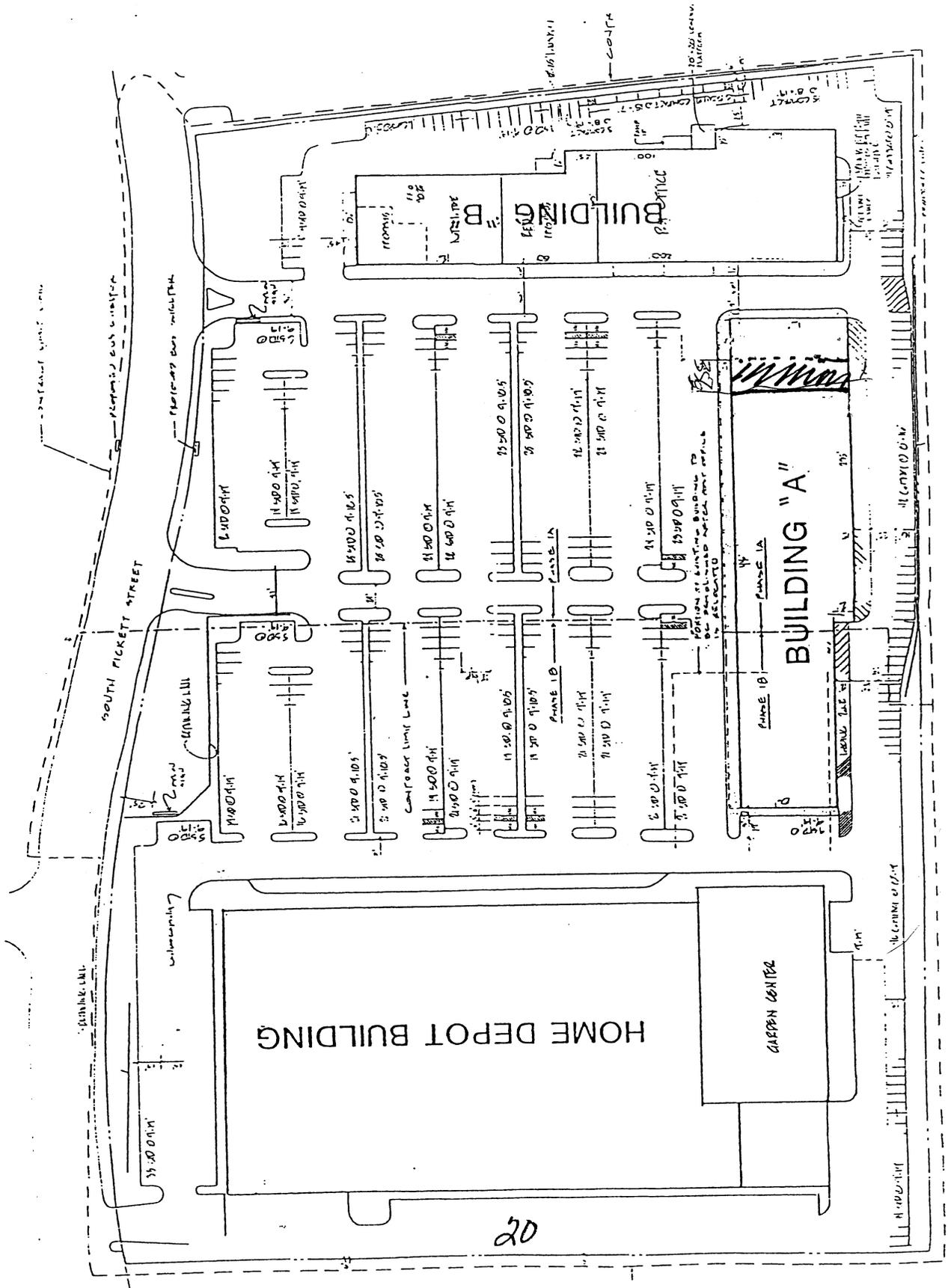
— table service bar carry-out — delivery

5. If delivery service is proposed, how many vehicles do you anticipate? NA

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. No.

If yes, please describe: _____



PLAN 1-80

**Project
Information**

Zoning Data	Site Area	15.00 acres
	Zone	I-1
	Height	77' permitted
	Front Yard Setback	50' from C/L of roadway
	Side & Rear Yard Setback	NA
	FAR	2.50 permitted

Building Data (gross)	No. of Stories	One + partial levels noted
	Home Depot	102,250 SF
	Mezzanine	4,360 SF
	Covered Garden Center	5,220 SF
	Building A	40,860 SF
	Building B	37,847 SF
	Lower Level Parking	15,300 SF
	Total Area	205,837 SF
FAR	0.27 provided	

Parking Data	District	#3
	Req'd Parking	846 spaces
	Req'd Loading	9 spaces
	Provided Parking	596 standard 17 handicap
		249 compact
	Total Parking	862 spaces
	Prov'd Loading	9 spaces
	(Post Office Pkg. Bldg. B)	(37 spaces)

**The
Trade
Center**

Shopping Village 300 South Pickett Street Alexandria Virginia 22304

APPLICATION for SPECIAL USE PERMIT # 2003-0090

[must use black ink or type]

PROPERTY LOCATION: 356 S Ridge St Alexandria

TAX MAP REFERENCE: 58.03 03 03 ZONE: CDD-8

APPLICANT Name: Layek Ahmad Chowdhury 22304

Address: 1211 S Frederick St, Arlington

PROPERTY OWNER Name: The Trade Center 22308

Address: 830 Herbert Springs Rd, Alexandria

PROPOSED USE: ICE CREAM store

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ARLINGTON VA-22204 8-12-2003
 City and State Zip Code Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: 11/06/03 RECOMMEND APPROVAL 6-0

ACTION - CITY COUNCIL: Approved 6 to 0
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