

EXHIBIT NO. 1

6
11-13-04

Docket Item #7
SPECIAL USE PERMIT #2004-0085

Planning Commission Meeting
November 4, 2004

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

APPLICANT: Golden Lily Foods Corp.
by Cam T. Luu

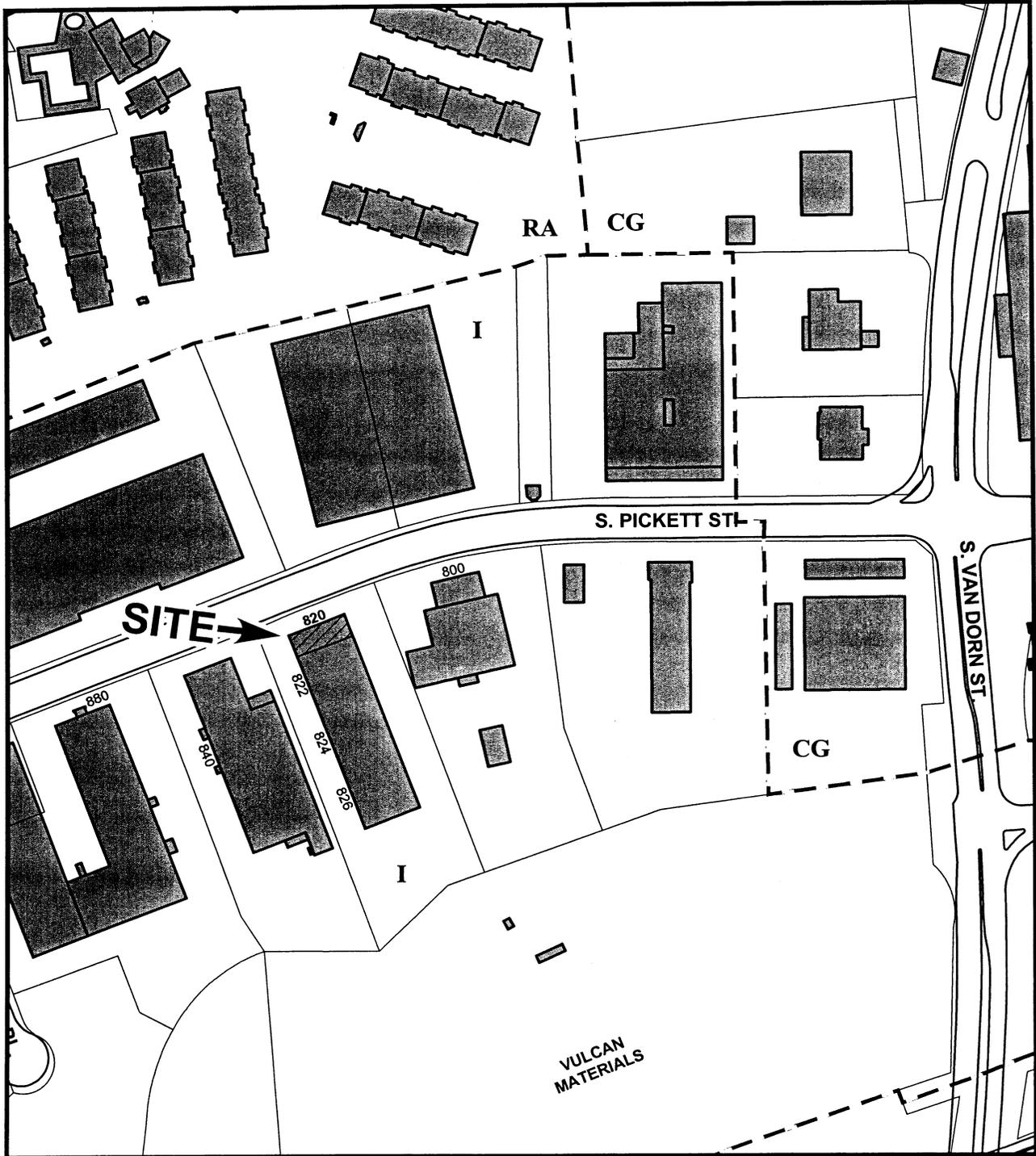
LOCATION: 820 S. Pickett Street

ZONE: I/Industrial

PLANNING COMMISSION ACTION, NOVEMBER 4, 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** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.



SUP #2004-0085

11/04/04



2

I. DISCUSSION

REQUEST

The applicant, Golden Lily Food Corp., by Cam T. Luu, requests special use permit approval for the operation of a carry-out restaurant located at 820 S. Pickett Street.

SITE DESCRIPTION

The subject property is one lot of record with 210 feet of frontage along South Pickett Street, a depth of 426.5 feet, and an area of 108,730 square feet. A 32,300 square foot one-story industrial building occupies the lot. Uses in the building include a bird cage manufacturer, a roofing material company, and the subject Asian food business. The proposed restaurant will occupy 480 square feet of the existing food company and in a space closest to Pickett Street.

BACKGROUND

On September 14, 1985, City Council granted Special Use Permit #1826 for a similar carry-out restaurant operation at the same location. That restaurant ceased operation several years later, and on May 13, 1995, City Council again approved a carry-out restaurant at the same location. The restaurant again ceased operation, and the applicant would now like to reopen the carry-out restaurant.

PROPOSAL

The current proposal would allow the food company to sell prepared food from its manufacturing business including sandwiches, soup, and cakes, as well as some packaged food such as candy, crackers, and soft drinks for carry-out. The applicant states that he will not sell alcohol, beer or wine and will not provide seats for customers. According to the applicant, the restaurant will serve the surrounding industrial area. The hours of operation are proposed to be 6:30 a.m. to 6:30 p.m. Monday through Friday, and 9:30 a.m. to 5:00 p.m. Saturday and Sunday. The applicant also proposes to offer delivery service, with one vehicle.

PARKING

Pursuant to Section 8-200 (A) (8) of the zoning ordinance, a restaurant with 700 square feet of area will require five parking spaces. According to site plan #68-036, there are 71 parking spaces available for the building.

Uses located in the building are allocated parking spaces as follows:

Industrial uses other than long term storage	31,600 sq. ft.	63 spaces
Proposed Carry-out Restaurant	480 sq. ft.	<u>3 spaces</u>
Total Spaces Required:		66 spaces
Total Spaces Provided:		71 spaces

Parking provided on the premises is ample for the proposed use, including for the delivery vehicle.

ZONING/MASTER PLAN DESIGNATION

The subject property is zoned I/Industrial. Section 4-1203 (R.1) of the zoning ordinance allows restaurants in the I zone only with a special use permit. The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property I/Industrial.

II. STAFF ANALYSIS

Staff does not object to the proposed restaurant at this location. A restaurant has been approved twice at this location, and staff is not aware of any issues with those operations at this location. The restaurant will serve workers in the surrounding industrial area, and there are no residential uses immediately adjacent that would be impacted by the use. There is ample parking for the restaurant and the other uses in the building. Staff recommends approval subject to the recommended conditions.

III. RECOMMENDED CONDITIONS

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. No seating, tables or stand-up counters that encourage eat-in dining shall be allowed. (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 9:00 p.m. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
6. No alcoholic beverages shall be sold. (P&Z)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. Trash and garbage shall be stored inside or in a dumpster. (P&Z)

9. 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 containers 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. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
12. 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)
13. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
14. 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)
15. 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 Fogarty, Director, Department of Planning and Zoning;
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:

- 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.
- R-4 No amplified sounds shall be audible at the property line.

Code Enforcement:

- F-1 There is no proposed seating included in this application. Therefore a Fire Prevention Permit is not required.
- C-1 The current use is classified as F-1, Factory; the proposed use is B, Business. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. 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.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design

professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.

- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 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-7 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 119.0.
- C-8 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-9 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-10 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-11 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.
- R-1 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.

F-1 The applicant is not requesting an ABC permit. The police concur with this. If in the future they do request an ABC permit the following recommendations apply:

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 # 2004-0085

[must use black ink or type]

PROPERTY LOCATION: 820 S. PICKETT ST. ALEX. VA 22304

TAX MAP REFERENCE: 67, 03-01-12 ZONE: I/INDUSTRIAL

APPLICANT Name: GOLDEN LILY FOODS CORP. by CAM T. LUU

Address: 820 SOUTH PICKETT ST. ALEX. VA 22304

PROPERTY OWNER Name: MR. ROBERT W. JOHNSON

VA. ROOFING CORP.

Address: 800 S. PICKETT ST. ALEX. VA 22304

PROPOSED USE: SPECIAL USE PERMIT FOR
A CARRY-OUT 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.

CAM T. LUU

Print Name of Applicant or Agent

Café

Signature

820 S. PICKETT ST.

Mailing/Street Address

703-823-8821

Telephone #

703-823-0491

Fax #

ALEX. VA 22304

City and State

Zip Code

8-24-04

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.

CAM T. LUU 6101 WALHAVEN DR. ALEX. VA 22310
XUYEN V. TRIEU 6101 WALHAVEN DR. ALEX VA 22310
THONG V. LUU 326 POTOMAC CT. WESTERSVILLE, OH 4308
CHIEU V. LUU 667 FRESHWATER CT. WESTERSVILLE, OH 4308

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.

- 1 PLOT PLAN
- 1 INTERIOR PLAN

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)

GOLDEN LILY FOODS CORP. IS REQUESTING THE SPECIAL
USE PERMIT TO ALLOW A CARRY-OUT RESTAURANT
IN A VACANT SPACE : RESTAURANT WILL BE
LOCATE' IN APROX. 500 SQ. FT. VACANT PORTION
OF THE BUILDING THAT IS CLOSEST TO SOUTH PICKETT ST.

OUR PROPOSAL WOULD ALLOW OUR FOOD COMPANY TO
SELL PREPARED FOOD FROM OUR MANUFACTURING
BUSINESS INCLUDE SANDWISHES, SOUP, CAKE, AS WELL
AS SOME PACKAGED FOOD SUCH AS CANDY, CRACKERS,
COFFEE, SOFTDRINK, WE WILL PROVIDED CARRY-OUT
& CATERING SERVICE, NO SEATING OR LIVE ENTER-
TAINMENT WILL BE AVAILABLE. ALSO NO ALCOHOLIC
BEVERAGES.

HOURS OF OPERATION : 6:30 AM TO 6:30 PM MONDAY TO FRIDAY
PARKING WILL REQUIRED 3 SPACES, WE PROVIDE 5 SPACE
ACCORDING TO SITE PLAN #68-036, THERE ARE
71 PARKING SPACES AVAILABLE FOR THIS
BUILDING PROPERTY.

- EMPLOYEE INCLUDE 3 PERSONS, PARK AT SPACE AVAIL FROM SITE
- SERVICE CUSTOMER ARE WORKERS IN THE SURROUNDING INDUSTRIAL AREA.

* CITY COUNCIL GRANTED SPECIAL USE PERMIT # 1826 ON SEPT-14-1985. SPECIAL USE PERMIT # 95-0043 ON MAY-13-1995 FOR SIMILAR CARRY-OUT RESTAURANT OPERATION AT THE SAME LOCATION.

WE WOULD NOW LIKE TO RE-OPEN THE CARRY-OUT RESTAURANT, PROVIDED SAME SERVICE FOR OUR NEIGHBOR INDUSTRIAL AREA.

THANK YOU

special use permit # _____

page 3 cont.

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).

30 CUSTOMERS / SHIFT (BREAKFAST, LUNCHEON, DINNER) TOTAL ABOUT 100 / DAY

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

2 PREPARATION & 1 SUPERVISOR
(7:00 AM TO 5:00 PM) OWNER STAY AFTER HOUR & BEFORE HOUR

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

Day:

MONDAY TO FRIDAY

Hours:

6:30 AM TO 6:30 PM

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

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

FOOD PREPARATION WITH READY TO PACK FOOD, PROCESSING EQUIPMENT WILL HAVE NOISE AS GENERAL KITCHEN AREA (LOCATE BEHIND CARRY-OUT AREA)
NO MECHANICAL EQUIPMENT ON SITE

B. How will the noise from patrons be controlled?

ONLY SMALL NO. OF CUSTOMER COME AT
SAME TIME, WE DON'T PROVIDE LIVE
ENTERTAINMENT ON SITE

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

N/A

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 FOOD CLEAN OUT MATERIAL,
PAPER & CARDBOARD

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

1/4 TO 1/3 DUMSTER / DAY

C. How often will trash be collected?

COLLECTED EVERY DAY THAT SERVICE
REQUIRED AND AVAILABLE

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

PICK-UP TWICE A DAY WITHIN 75 FEET
OF THE PREMISES

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:

SMALL OF RESTAURANT CLEANING PRODUCT USE
TO CLEAN TABLE, FLOOR.

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

FIRE ALARM & SAFTY EGRESS PROVIDED

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?

3 SPACES

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

5 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? 1

- B. How many loading spaces are available for the use? 1

- C. Where are off-street loading facilities located? LOADING LOCATED AT RIGHT SIDE NEAR END OF MANUFACTURE

D. During what hours of the day do you expect loading/unloading operations to occur?
9:00 AM to 1:00 PM

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
TWICE / 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?
STREET ACCESS TO THE SUBJECT PROPERTY IS ADEQUATE.

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?
480 sq. ft. (existing) + _____ sq. ft. (addition if any) = 480 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: TENANT & WAREHOUSE BUILDING

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: N/A At a bar: N/A Total number proposed: NO SEATING

2. Will the restaurant offer any of the following?

N/A alcoholic beverages N/A beer and wine (on-premises)

N/A beer and wine (off-premises)

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

FOOD SERVED SUCH AS PREPARED SANDWICHES, SALAD, LUNCH PACK, SOUP, CAKE, COOKIE, COFFEE, TEA, SOFT DRINK, ICE CREAM FOR CARRY-OUT & DELIVERY.

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

N/A table service N/A bar carry-out delivery

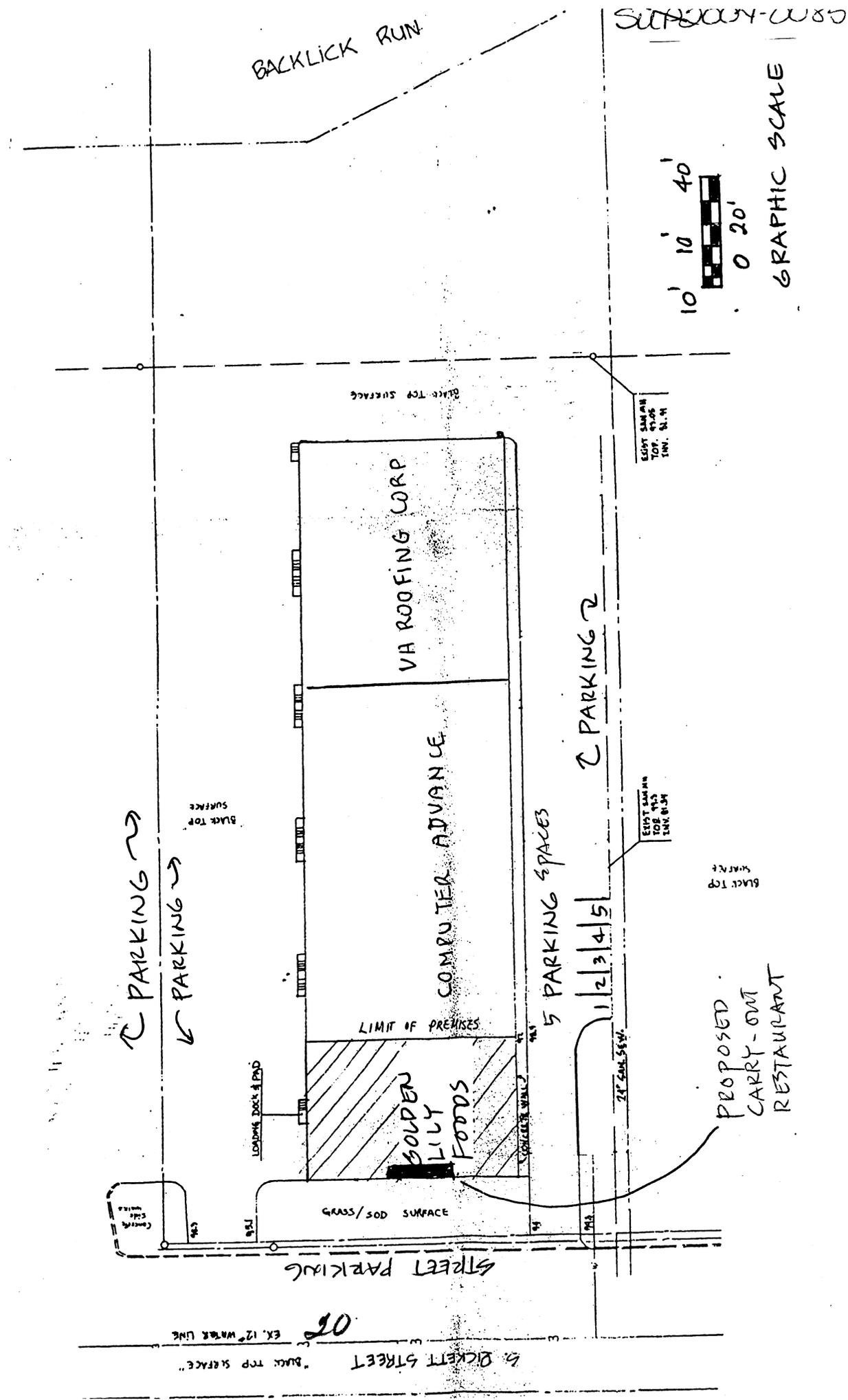
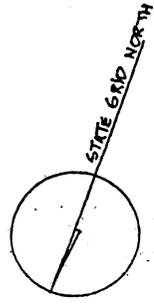
5. If delivery service is proposed, how many vehicles do you anticipate? 1

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: _____

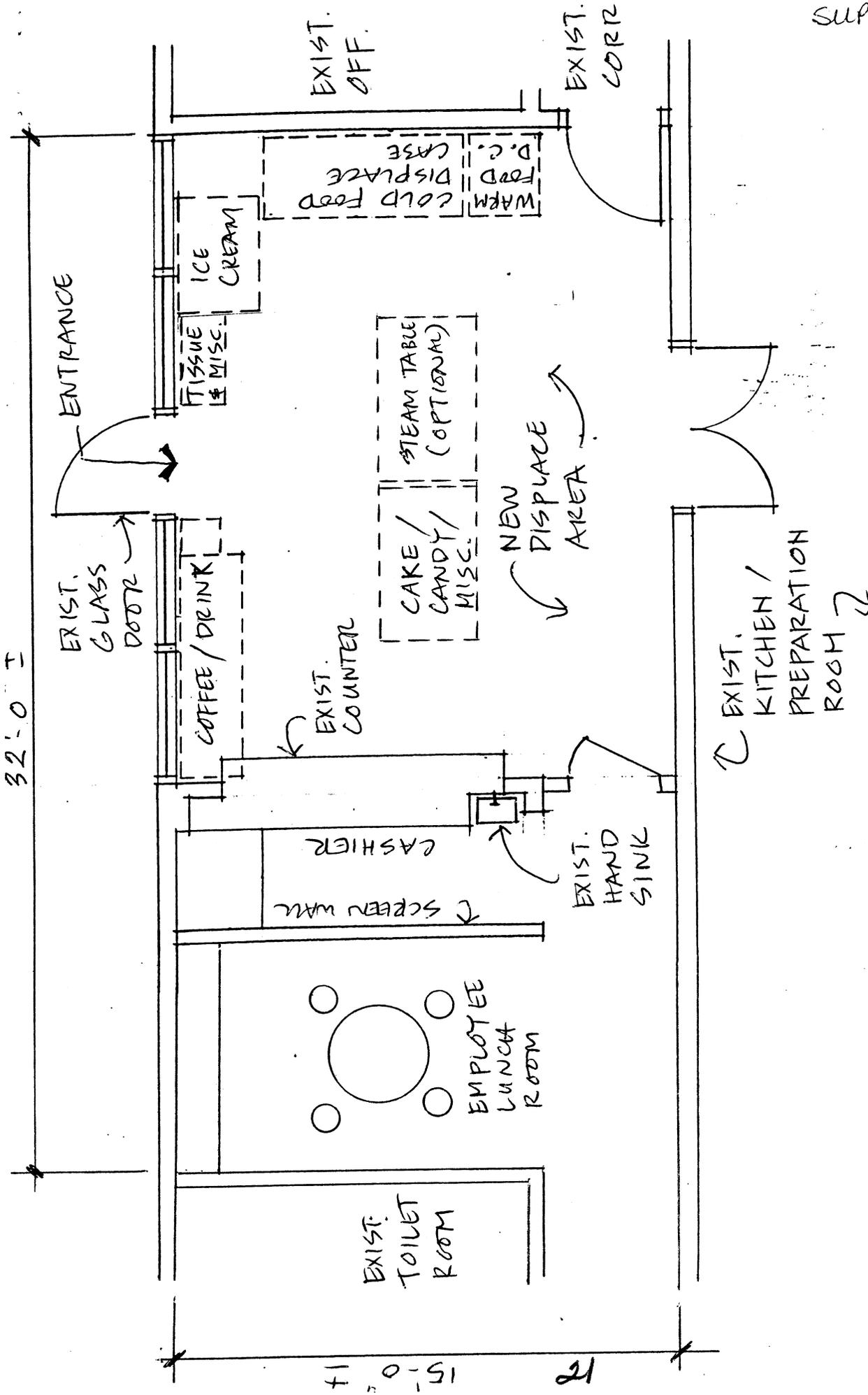
820 S. PICKETT ST. AUBURN, VA 22307
GOLDEN LILY FOODS CORP
 PLOT PLAN
 2007



10' 10' 40'
 0 20'
 GRAPHIC SCALE

PROPOSED
 CARRY-OUT
 RESTAURANT

820
 "BLACK TOP SURFACE"
 PICKETT STREET



INTERIOR FLOOR PLAN

SCALE: 1/4" = 1'-0"

NOTE: - ALL WALLS TO BE EXIST.
- [---] NEW DISPLACE ITEM

GOLDEN LILY FOODS COMP.

820 S. PICKETT ST.

AREA. VA 22304

2004

4, 6, 7, 8, 11
11-13-04



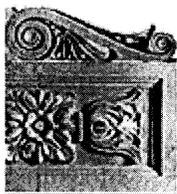
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11/12/2004 06:57 PM

To alexvamayor@aol.com, delpepper@aol.com,
council@joycewoodson.net, ahmacdonald@his.com,
rob@krupicka.com, PaulCSmedberg@aol.com,
cc Phil Sunderland/Alex@Alex, Ignacio Pessoa/Alex@Alex, Jackie
Henderson/Alex@Alex, Eileen Fogarty/Alex@Alex
bcc
Subject Responses to Questions About Items on the Saturday, November
13 Public Hearing Docket

Below for your information are responses from the Planning and Zoning Department to questions from Councilman Krupicka about November 13 docket items.

Michele

----- Forwarded by Michele Evans/Alex on 11/12/2004 06:48 PM -----



Hal Phipps/Alex
11/12/2004 04:38 PM

To Rob@Krupicka.com
cc Eileen Fogarty/Alex@Alex
Subject Restaurant Closing Hours and 7-11 Issues

This is the response that I promised to send you on restaurant closing hours for the four restaurant SUPs and the 7-11 issues. If there are any questions, please let me know.

Response to concerns on Docket Item #4, restaurant at 4551 Duke (Foxchase Center):

The applicant requested a closing hour of 12:00 midnight Monday through Saturday, and 10:00 p.m. on Sunday. Closing hours of restaurants within the Foxchase Shopping Center range from 10:00 p.m. to 12:00 midnight, depending on the night of the week. Staff recommends a closing hour of 12:00 midnight daily for two reasons: (1) to address Council's direction of providing more flexibility to applicants, and (2) because it does not anticipate any problems associated with late closing hours. The center is located on a busy and loud thoroughfare, has a variety of active uses with varying operating hours, and will be redeveloped with uses that most likely remain open and active during late night hours. Therefore staff finds that the 12:00 midnight closing hour is appropriate and compatible with the surrounding uses.

Response to concerns on Docket Item #6, restaurant at 820 S. Pickett:

The applicant requested a closing hour of 6:30 p.m. Monday through Friday, and 5:00 p.m. Saturday and Sunday. There are no restaurants in the immediate area to compare hours with, and because it is an industrial area, there would be few patrons during the evening hours that would

necessitate a late closing hour at this location. Staff recommended a closing hour of 9:00 p.m. daily to provide some flexibility in the event that the applicant may later choose to serve carryout patrons on their way home from work, and to be more consistent with the hours previously approved for a restaurant at this location.

Response to concerns on Docket Item #7, restaurant at 105 S. Union Street:

The applicant proposes extending the hours of operation to 11:00 p.m., which means that patrons may linger until 12:00 midnight, but not order more food and drink after 11:00 p.m. In the analysis section of the staff report, staff states that the requested hours are earlier than many of the restaurants in the area, many of which are 2:00 a.m. The Irish Restaurant was recently approved for a 1:00 a.m. closing hour. Staff found that the 11:00 p.m. closing hour provided enough flexibility to the applicant without causing negative impacts on the surrounding area.

Response to concerns on Docket Item #8, Los Tios restaurant at 2615 Mt. Vernon Ave:

In comparison to other restaurants in the area, staff found that the applicant's request for 10:00 p.m. closing hour was reasonable. Closing hours of restaurants in Del Ray generally range from 10:00 p.m. to 12:00 midnight, or earlier depending on the night of the week. In recent years, more restaurants have been approved for later closing hours, including Fireflies (12:00 midnight daily for indoor, 10:00 p.m. daily for outdoor) and Evening Star (11:00 p.m. Sunday through Thursday, 12:00 midnight Friday and Saturday, and 10:00 p.m. daily for the outdoor seating). Next month, you will see an application to extend the closing hours of the Caboose Bakery from 10:00 p.m. Monday through Saturday and 7:00 p.m. on Sunday, to 12:00 midnight daily.

At this point Los Tios is also requesting to double the number of indoor seats to 48 and to add 12 outdoor seats.

Response to concerns on Docket Item #11, the 7-Eleven:

Community Liaison

A condition requiring a neighborhood liaison has been required for other SUPs, and could be added. The applicant has agreed to such a condition. A condition has been written in other cases as follows:

“The applicant shall establish a community liaison and shall post at the entrance contact information for the liaison, and provide updated information as needed, so that neighbors can contact those individuals responsible for the facility to express concerns regarding facility operations.”

OR

“The applicant shall establish a community liaison to work with nearby neighbors on issues

related to the operation of the business.”

Litter, Public Urination, and Nuisance Activities

There are a number of conditions already in the SUP to control litter.

Condition #2 states: “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.”

Condition #6 states: “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 permitted to accumulate on site outside of those containers. Trash collection shall occur between 7:00 a.m. and 8:00 p.m.”

Condition #11 states: “The applicant shall provide the City \$1,678.00 for two Model SD-42 Bethesda Series litter receptacles, one of which shall replace the existing can, for installation on the adjacent public rights-of-ways Custis and Mt. Vernon Avenues. Contact T&ES Solid Waste Division (703)751-5130 for information.”

While the Kirkpatricks discussed concerns about litter and squirrels carrying litter to their property, another adjacent neighbor said that he did not experience this problem. He said that it would be very difficult to conclude that trash carried to the residence was from the 7-Eleven, when it could be from other residences or businesses in the area.

Regarding public urination and nuisance activities, these are issues that would be difficult to enforce through an SUP condition. However, the SUP requires compliance with “all applicable codes and ordinances,” and nuisance activities can be monitored through complaints to Police and Code Enforcement. Any complaints to these agencies are also considered during the one year review.

Use of the Back Alley

The use of the back alley for nuisance activities has been an issue for the Kirkpatricks in the past. There is a gate at the entrance to the alley to limit trespassing. The Kirkpatricks have stated that the gate is not always kept closed, and 7-Eleven responded by discussing with the adjacent neighbors that use the alley to keep the gate closed. Recently, 7-Eleven adjusted employee shift assignments so staff can verify that the gate is closed. A condition requiring that it be kept closed can be added, and may be written in the following way:

“ The gate at the entrance of the alley behind the 7-Eleven building shall be closed at night.”

Finally

Word from the applicant is that Mr. Donovan and Mr. Martz of 7-Eleven, Inc. will be meeting with Justin Wilson, Thomas Welsh, and Mary Ann Kirkpatrick on Tuesday November 16th to discuss how various concerns will be handled through the SUP and how any concerns not addressed by the SUP can be mitigated.

Hal Phipps
Division Chief, Zoning & Land Use Services
Department of Planning & Zoning
City of Alexandria, VA
703-838-3866 x367

APPLICATION for SPECIAL USE PERMIT # 2004-0085

[must use black ink or type]

PROPERTY LOCATION: 820 S. PICKETT ST. ALEX. VA 22304

TAX MAP REFERENCE: 67.03-01-12 ZONE: I/INDUSTRIAL

APPLICANT Name: GOLDEN LILY FOODS CORP. by CAM T. LUU

Address: 820 SOUTH PICKETT ST. ALEX. VA 22304

PROPERTY OWNER Name: MR. ROBERT W. JOHNSON

VA. ROOFING CORP.
Address: 800 S. PICKETT ST. ALEX. VA 22304

PROPOSED USE: SPECIAL USE PERMIT FOR
A CARRY-OUT 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.

CAM T. LUU

Print Name of Applicant or Agent

Café

Signature

820 S. PICKETT ST.

Mailing/Street Address

703-823-8821 703-823-0491

Telephone # Fax #

ALEX. VA 22304

City and State Zip Code

8-24-04

Date

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

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

ACTION - PLANNING COMMISSION: 11/04/2004 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: 11/13/04 CC approved Planning Commission recommendation 7-0