

Docket Item #6
SPECIAL USE PERMIT #2004-0084

Planning Commission Meeting
November 4, 2004

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

APPLICANT: Vo Thin
by Thuy Le

LOCATION: 3108 Mt. Vernon Avenue, Suite-B
(Parcel Address: 3110 Mt. Vernon Avenue)

ZONE: CRMU/M-Commercial Residential Mixed Use (Medium)

PLANNING COMMISSION ACTION, NOVEMBER 4, 2004: On a motion by Mr. Komoroske, seconded by Mr. Robinson, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations, and to add Condition #15. The motion carried on a vote of 7 to 0.

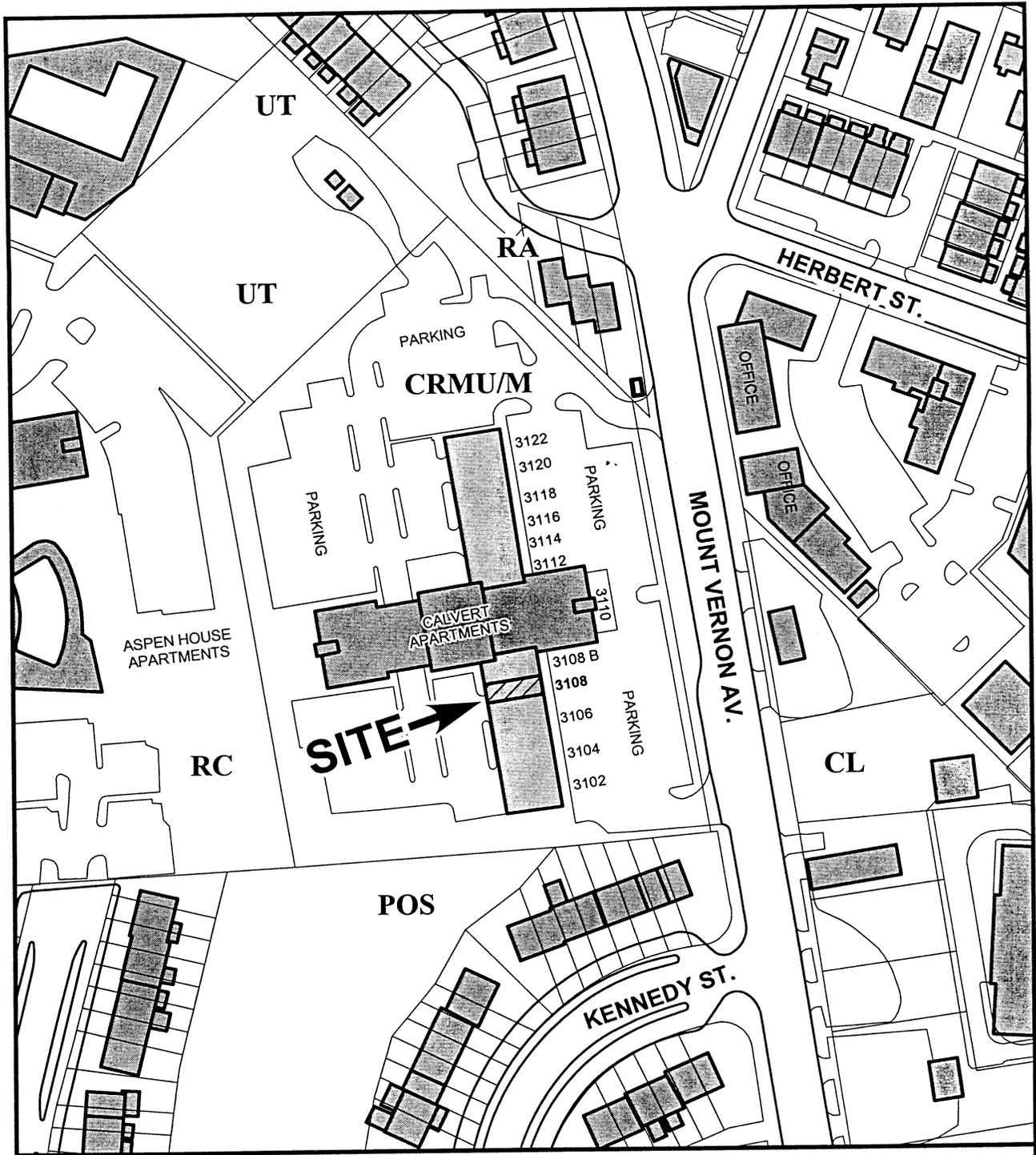
Reason: The Planning Commission agreed with the staff analysis, and recommended that all required commercial spaces for the building be specifically designated for commercial use only.

Speakers:

Mark Abraham, future restaurant tenant at the Calvert, discussed concerns with the limited parking at the site designated for commercial use.

Thuy Le, representing the applicant, spoke in support of the application, stating that the parking requirement for the restaurant is less than it would be for a retail tenant in the same space.

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 #2004-0084

11/04/04



I. DISCUSSION

REQUEST

The applicant, Vo Thin, requests special use permit approval for the operation of a restaurant located at 3108 Mt. Vernon Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 362 feet of frontage on Mount Vernon Avenue, and a total lot area of 3.4 acres. The site is developed with the Calvert Apartments building, with commercial uses on the first floor of the building. The applicant proposes to occupy a 1,750 square feet space, in about half of what is now a video store, and adjacent to a nail salon. The applicant owns both the video and nail salon businesses.

The first floor of the Calvert Apartments building contains 16,142 square feet of commercial space fronting on Mount Vernon Avenue. The commercial space in the center includes three restaurants: the Bombay Curry Company, the former Calvert Grille, and Village Il Porto.

PROPOSAL

The applicant proposes to operate a Vietnamese restaurant with 30 seats. The restaurant proposes to operate from 10:00 a.m. to 10:00 p.m. daily. The applicant is not proposing alcohol sales. There will be a large screen television in the restaurant for entertainment. The applicant is not proposing delivery service. Trash facilities are located inside the building complex.

PARKING

Pursuant to Section 8-200(A)(8) of the zoning ordinance, a restaurant with 30 seats requires a minimum of eight parking spaces. A total of 133 parking spaces are located on site for the commercial uses. Existing uses, with the proposed reconfiguration of the video store and nail salon, and parking requirements are as follows:

<u>Use</u>	<u>Parking Required</u>
Bombay Curry Company restaurant (SUP #96-0070)	12
Calvert Grille restaurant (grandfathered)	27
Nail Chateau	4
Video store	4
Calvert Cleaners	3
Alexandria Appliance Repair	3

Jackson-Hewitt Tax Service	3
Mia's Market	12
Village Il Porto (SUP#2001-0021)	43
Proposed Restaurant	8
Parking required:	119
Parking provided:	133

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CRMU-M/Commercial Residential Mixed Use-Medium zone, with proffer. The proffer allows a restaurant with a special use permit (Ordinance #3768). The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial residential mixed uses.

II. STAFF ANALYSIS

Staff does not object to the proposed restaurant. The proposed restaurant is compatible with the existing residential and commercial uses on site. The ground floor of the Calvert House has historically contained eating establishments and there is adequate parking for customers and employees of the restaurant. To ensure that parking at the front of the restaurant is available for customers, staff recommends that employees park at the lot on the north side of the property, as required for Village Il Porto. Staff also recommends closing hours more consistent with the other restaurants in the center to provide some flexibility for the business owner. With these conditions, staff recommends approval.

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. Seating shall be provided for no more than 30 patrons. (P&Z)

3. The closing hour for the restaurant shall be no later than 11:00 p.m. daily. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
4. Live entertainment shall not be permitted. (P&Z)
5. Alcohol service is not permitted. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)
7. 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 or debris shall be allowed to accumulate on site outside of these containers. (P&Z)
8. 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)
9. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.(T&ES)
10. 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)
11. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
12. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey and for the business a robbery awareness program for all employees. The survey is to be completed prior to the business opening. (Police)
13. The applicant shall require that its employees who drive to work park in the side parking lot, north of the driveway, on the north side of the property. (P&Z)

14. 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)

15. **CONDITION ADDED BY PLANNING COMMISSION:** The applicant shall work with the landlord to designate 28 parking spaces on the north end of the building for commercial use only. (PC)

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.

Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour.

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.(T&ES)
- 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.(T&ES)
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
- R-4 No amplified sounds shall be audible at the property line.(T&ES)

Code Enforcement:

- F-1 The submitted plans show a proposed change of tenant space into 3 subdivided parcels (A, B, & C) within the same address. The current configuration of the space is as follows:

3108 A is a nail salon. The remaining tenant space is occupied as a video rental store. The submitted plans show a proposal to subdivide the existing 2 tenant spaces into 3 tenant spaces by expanding the existing nail salon, reducing the area occupied by the video rental store and providing a third space for a restaurant. As a result, this proposal will affect all three parties (two existing tenants and one proposed tenant). The following conditions will apply to both the applicant and the existing tenants who are affected by this SUP.

- C-1 The current use is classified as B, Business; 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) 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 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required (USBC 111.1).
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 Before a building permit can be issued on any proposed future alterations, a certification is required from the owner or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos (USBC 112.1.4).
- 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 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-9 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-10 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.
- C-11 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.

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. The survey is to be completed prior to the business opening.
- 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 seeking an ABC permit. The police department concurs with this. If in the future the applicant does apply for an ABC permit the following would 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 on year.

APPLICATION for SPECIAL USE PERMIT # 2004-0084

[must use black ink or type]

PROPERTY LOCATION: 3108 MT. VERNON AVE., SUITE B

TAX MAP REFERENCE: 015.04.07-03
15.04 (05.14.2004) ZONE: CRMU/M

APPLICANT Name: VO THIN

Address: 5745 HEMING AVENUE, SPRINGFIELD VA 22151

PROPERTY OWNER Name: UNITED DOMINION REALTY TRUST, INC.

Address: _____

PROPOSED USE: LIGHT RESTAURANT (PHO VIET)

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.

THUY LE
Print Name of Applicant or Agent


Signature

2394 CLOUDCROFT SQUARE
Mailing/Street Address

(703) 282. 4957 (703) 991. 4825
Telephone # Fax #

RESTON, VA 20191
City and State Zip Code

08/20/04
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.

VO THIN
5745 HEMING AVE, SPRINGFIELD VA 22151

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.

REQUEST FOR WAIVER, THERE IS NO CHANGE IN
PARKING LAY-OUT AND REQUIREMENT.

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)

NATURE OF OPERATION : LIGHT RESTAURANT, NO LIQUOR

USE GROUP : ASSEMBLY

NATURE OF ACTIVITY : RESTAURANT

NUMBER OF EMPLOYEES : 4

NUMBER OF SEATING : 28

OPERATING HOURS : 10 AM - 10 PM

PARKING SPACE : 9

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).

AS HOURS OF OPERATING (FR 10 AM - 10 PM)

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

4 EMPLOYEES DURING BUSINESS HOURS.

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

Day:	Hours:
<u>7 DAYS</u>	<u>10 AM - 10 PM.</u>
_____	_____
_____	_____
_____	_____

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

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

MODERATE.

B. How will the noise from patrons be controlled?

N/A

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

EXHAUST FAN (ROOF TOP)

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?

NO CHANGE FROM PREVIOUS USED

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

NO CHANGE

C. How often will trash be collected?

THREE TIMES / WEEKLY

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

USE TRASH CAN W/LID INSIDE

PROPERTY MAINTENANCE FOR OUTSIDE (PER LEASE CONTRA W/ LANDLORD)

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?

ALL CHANGES WILL BE NOTED TO RESIDENTS, EMPLOYEES
AND PATRONS IN ADVANCE.

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?

N/A

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

7 Standard spaces

 Compact spaces

2 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:

N/A

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? N/A

B. How many loading spaces are available for the use? N/A

C. Where are off-street loading facilities located? N/A

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

N/A

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

N/A

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?

N/A

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? NA square feet.

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

1,750 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1,750 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: _____

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: 29 At a bar: 0 Total number proposed: 28-30

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:

VIETNAMESE NOODLE (SOUP)

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

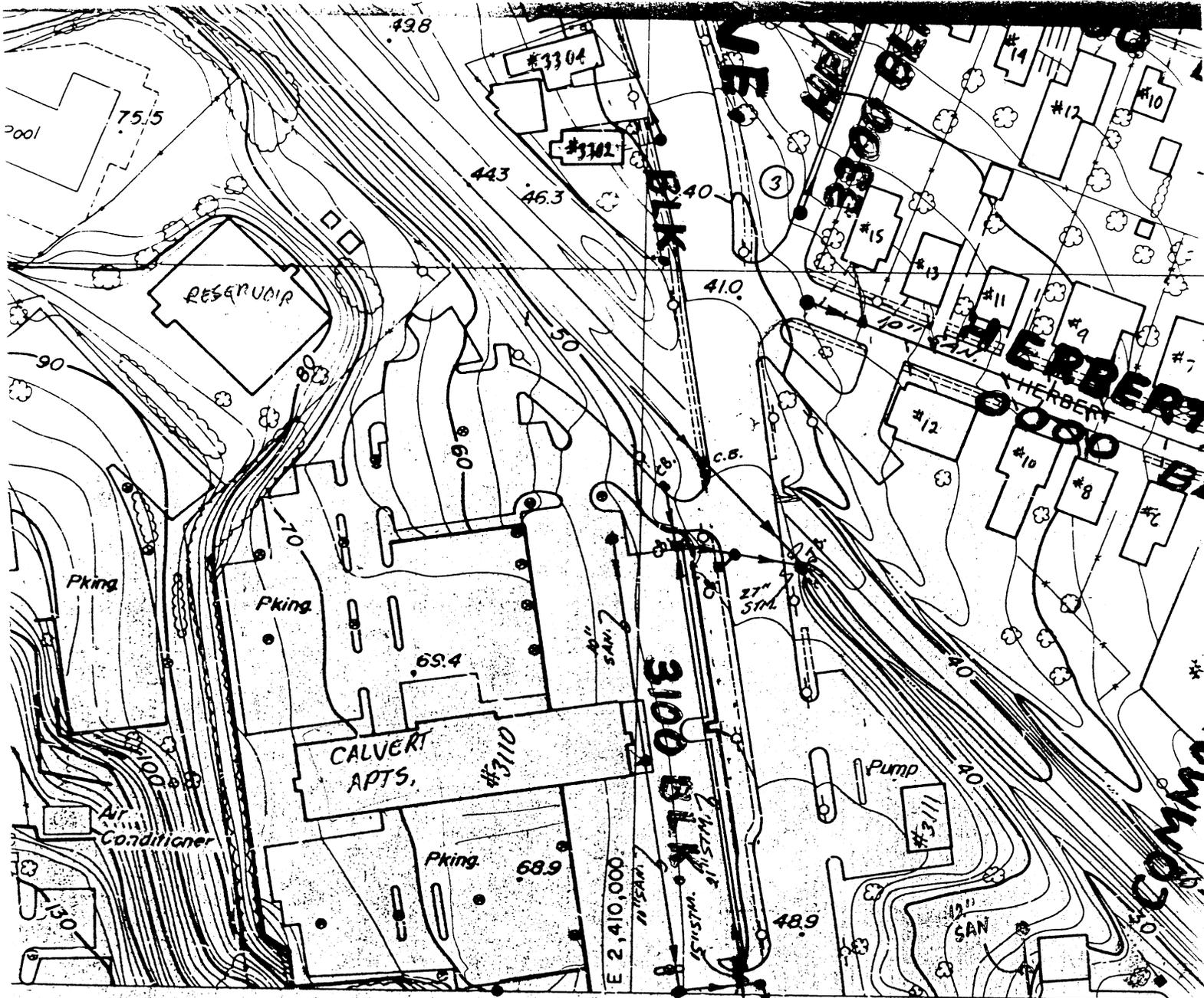
table service bar carry-out delivery

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

Will delivery drivers use their own vehicles? N/A Yes. N/A No.

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

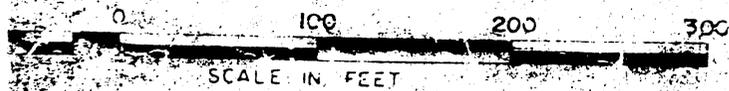
If yes, please describe: Large Screen Television



**TOPOGRAPHIC SURVEY OF
CITY OF ALEXANDRIA
ALEXANDRIA, VIRGINIA**

E 1"=100'

CONTOUR INTERVAL 2'



- WATERTIGHT MANHOLE
- MANHOLE
- CATCH BASIN
- DROP INLET
- LIGHT POLE
- SIGN
- POWER POLE
- FIRE HYDRANT
- CONTOURS:
 - Index
 - Intermediate
 - Approximate
 - Depression
 - Supplementary

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SUP-2007-0084



TAD -
Builders / Designers
TAD Architects, LLC
43771 Sandstone Trc.
Sterling, VA 20154
TEL: 703-544-4377
FAX: 703-544-4380
Email: tad_bldg@yahoo.com

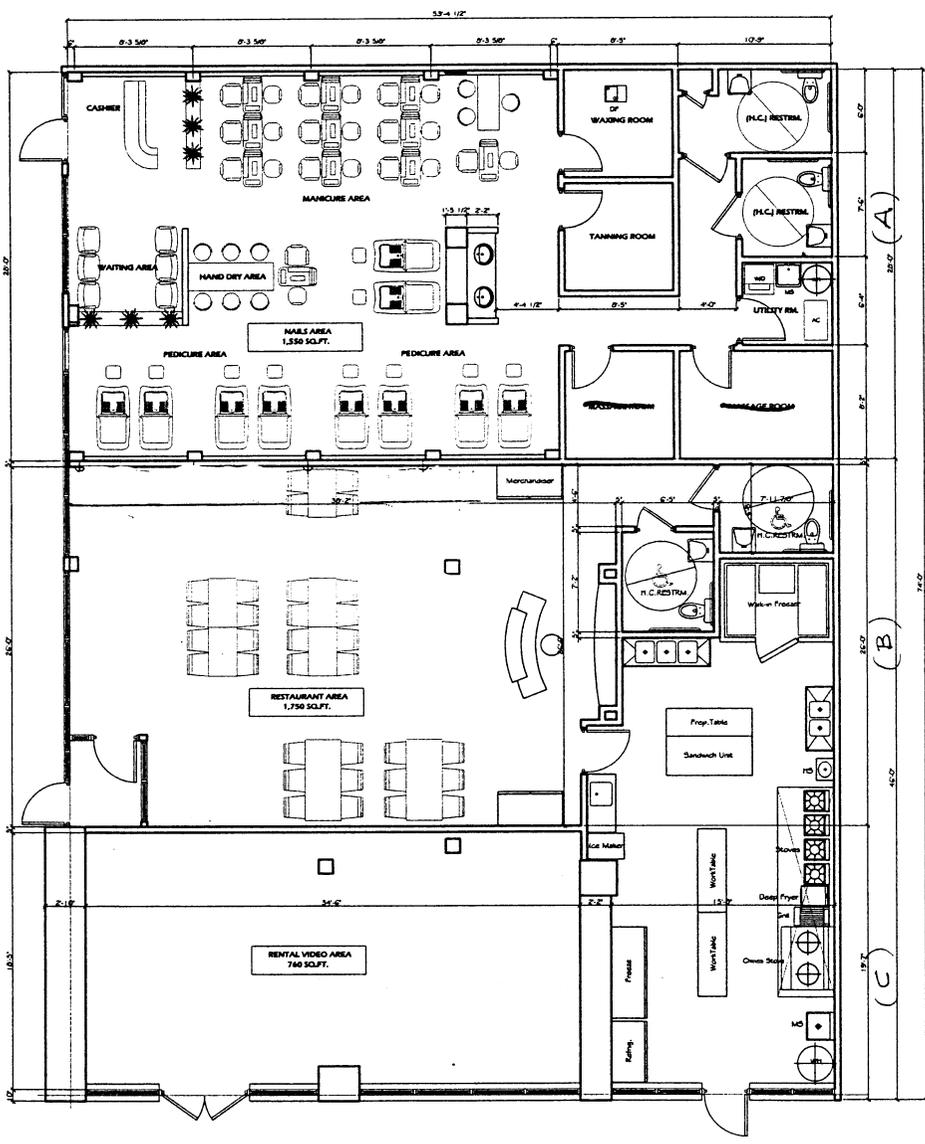
OWNER:
MR. & MRS. THIN
ADDRESS:
3108 MOUNT VERNON AVE.
ALEXANDRIA, VA 22305

PROJECT:
PHO VIETNAM
RENOVATION FLOOR PLAN
SHEET TITLE:

DATE:	ISSUED:
DESIGNED BY:	PROJECT #:
DRAWN BY:	DWG. NO.:
SCALE:	AS SHOWN
STAMP & SIGN	

PROJECT # 0084-008
DESIGNED BY: []
DRAWN BY: []
SCALE: AS SHOWN
STAMP & SIGN

SHEET NO.
A-2
2 of 2



3108 MT. VERNON AVE.
RENOVATION FLOOR PLAN
SCALE 1/4" = 1'-0"

Del Ray Citizens Association

PO Box 2233

Alexandria VA 22301

Established 1954

To: Eileen Fogarty, Director, Office of Planning and Zoning
Members of Alexandria Planning Commission

From: Amy Slack, Land Use Committee Co-Chair
Sarah Haut, Land Use Committee Co-Chair
Justin Wilson, President

Date: November 2, 2004

Subject: SUP#2004-0084; Restaurant at 3108 Mt. Vernon Ave, Suite B.
Consideration of a request for a special use permit to operate a
restaurant by Vo Thin. Zoned CRMU/M-Commercial Residential Mixed
Use (Medium)

*PC Docket Item #6
SUP#2004-0084*

On behalf of Mr. Thin, Ms. Thuy Le attended the Land Use committee meeting on October 21, 2004 and discussed the proposal. We distributed flyers and the item was announced in the Association newsletter.

The applicant, Mr. Vo Thin, proposes to re-subdivide space he currently lease in the Calvert Apartment commercial complex. The existing nail salon will remain; the existing video store will occupy a smaller portion of the space and the remainder he hopes to use for a new restaurant. The restaurant would seat 30 people indoors and specialize in Vietnamese soup known as Pho. The hours of operation requested are 10AM- 10PM daily. Twenty on site parking spaces are allocated for his use in the lease; nine would be used for the restaurant, two for the nail salon, and nine for the video store. The complex management has control over signs or awnings and the mechanical equipment required for the restaurant.

The discussion touched on several issues.

We discussed the trash collection site or a possible dumpster location on site. Ms. Le indicated they plan to use one parking space near the front of the complex for a dumpster and they hope to share it with other restaurants in the complex. The lack of on site trash facilities for the complex restaurants has been a matter of concern to us in the past and was noted in a staff report, SUP#2001-0021 of May 2001 for Village II Porto II. To our knowledge, the trash facility has yet to be satisfactorily addressed by the complex management. Having spoken with other operator, we know they transport their refuse across Mt. Vernon Avenue in arrangement with another restaurant owner.

The applicant had more parking available than seats requested. We suggested that they increase seating to 36 and ask for other amenities such as greater hours of operation and outdoor seating now rather than later.

The committee recommended support for the application with a single condition in addition to those normally recommended by staff.

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At their October 28, 2004 meeting, the Executive Board supported Land Use committee recommendation with the condition:

- The applicant shall provide a trash dumpster located on site to the rear of the property and screened from view of Mt. Vernon Avenue.
We encourage participation of all restaurants in the Center to shared access and costs thereby resolving an issue first brought to our attention in spring 2001 under SUP application #2001-0021.

We request your support for this position and welcome your questions and comments. Please feel free to contact Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060 and President Justin Wilson at 703-299-1576.

APPLICATION for SPECIAL USE PERMIT # 2004-0084

[must use black ink or type]

PROPERTY LOCATION: 3108 MT. VERNON AVE., SUITE B

TAX MAP REFERENCE: 015.04.07-03
15.04 (05.14.2004) ZONE: CRMU/M

APPLICANT Name: VO THIN

Address: 5745 HEMING AVENUE, SPRINGFIELD VA 22151

PROPERTY OWNER Name: UNITED DOMINION REALTY TRUST, INC.

Address: _____

PROPOSED USE: LIGHT RESTAURANT (PHO VIET)

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THUY LE
Print Name of Applicant or Agent

[Signature]
Signature

2394 CLOUDCROFT SQUARE
Mailing/Street Address

(703) 282-4957 (703) 991-4825
Telephone # Fax #

RESTON, VA 20191
City and State Zip Code

08/20/04
Date

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

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

ACTION - PLANNING COMMISSION: 11/04/2004 RECOMMEND APPROVAL 7-0

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