

EXHIBIT NO. 1

6
9-20-05

Docket Item #4
SPECIAL USE PERMIT #2005-0069

Planning Commission Meeting
September 8, 2005

ISSUE: Consideration of a request for a special use permit to allow the sale of beer and wine on and off premises.

APPLICANT: Gholamreza Sanjideh

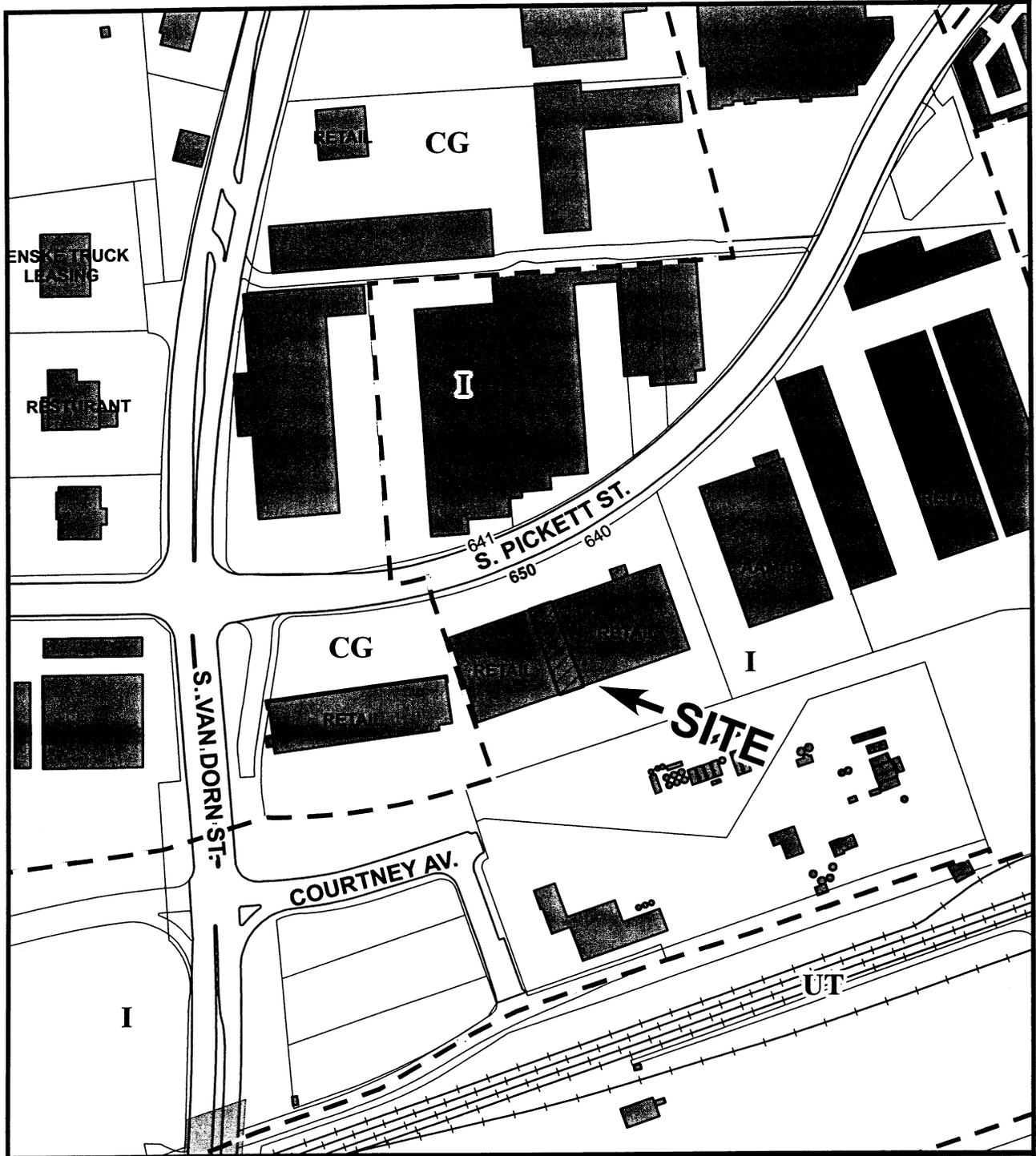
LOCATION: 650 South Pickett Street

ZONE: I/Industrial

PLANNING COMMISSION ACTION, SEPTEMBER 8, 2005: On a motion by Mr. Robinson, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 6 to 1.

Reason: The Planning Commission had some initial concerns regarding off-premise alcohol sales, but upon hearing from the applicant agreed that the request was reasonable and supported the staff recommendation for approval.

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



SUP #2005-0069

09/08/05



I. DISCUSSION

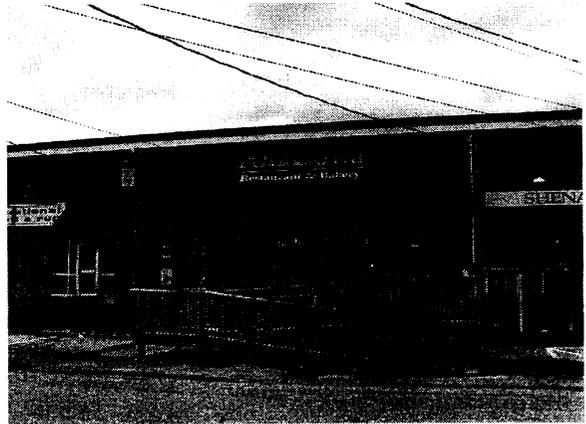
REQUEST

The applicant, Gholamreza Sanjideh, requests special use permit approval to allow the sale of beer and wine on and off premises at 650 South Pickett Street.

SITE DESCRIPTION

The subject property is one lot of record with 416 feet of frontage on South Pickett Street, a depth of 362 feet and a total of 132,130 square feet. A two-story warehouse building of 61,600 square feet is located on the property.

Other tenants in the building include Shenandoah Brewing Company (SUP#99-0022), Nick's Restaurant (SUP#2816), and office and wholesale uses. To the north is a granite and marble supplier. To the south is Backlick Run.



BACKGROUND AND PROPOSAL

On June 12, 2004, City Council granted Special Use Permit #2004-0033 to increase the number of seats and change the hours of operation at the subject restaurant. The existing 44-seat restaurant is part of a retail/wholesale bakery that serves international foods, breads, and pastries and offers take-out and delivery services. The applicant is requesting to sell alcohol, which is not allowed under the existing SUP. The applicant wants to sell beer produced by the adjacent tenant, Shenandoah Brewing Company. The applicant also wishes to sell beer and wine by the glass on premise. Additionally, the applicant may hold wine tastings in the future. No other changes are proposed.

On June 15, 2005 staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found that the applicant per condition #20 of SUP2004-0033 had not placed landscaped planters on the deck as required. Upon a subsequent visit, staff found that the applicant had corrected the violation.

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 64 seats will be required to provide 16 off-street parking spaces. There are approximately 144 surface parking spaces for the entire building. As part of the prior SUP request, staff evaluated the parking conditions for the entire center and determined that there was sufficient parking for the center, including the required 16 spaces for the subject business.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the I/Industrial zone. Section 4-1202 (R.1) of the Zoning Ordinance allows a restaurant 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 for industrial use.

II. STAFF ANALYSIS

Staff supports the request to sell alcohol on and off premise. The applicant proposes to sell beer and wine by the glass on premise and has indicated that his main intent for an off-premise ABC license is to sell beer produced by Shenandoah Brewery. Staff has recommended a condition that restricts the sale of beer to 4- or 6-packs or in bottles of more than 40 ounces, which is similar to conditions placed on other restaurants requesting off-premise sales. The applicant does not plan to sell wine by the bottle on or off premise, but indicated that he plans to hold wine tastings. Staff has not included a condition restricting the sale of wine by the bottle for this reason. However, staff does recommend that wine sold off premise be no less than 750 ml and fortified wine may not be sold.

Police calls for service show no activity at this business that would indicate that alcohol sales would pose a problem, and staff has also included a condition requiring a review one year after approval. With the following conditions, staff recommends approval of the special use permit.

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) (SUP#2003-0063)
2. Seating shall be provided for no more than 64 patrons. (P&Z) (SUP #2004-0033)
3. Outside dining facilities may be located on private property but shall not eliminate required parking spaces. Prior to the installation of an outdoor dining deck, the applicant shall submit plans and obtain approval of the Director of Planning and Zoning for the deck's design, location and construction. The applicant shall ensure that access is provided per code requirements and that the seating area is cleaned at the close of each day of operation. (P&Z) (SUP #2004-0033)
4. Live entertainment is permitted. (P&Z) (SUP#2003-0063)

5. The hours of operation shall be limited to 6:00 A.M. to 12:00 midnight daily. (P&Z)(SUP #2004-0033)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2003-0063)
7. **CONDITION AMENDED BY STAFF: No alcoholic beverages shall be sold for on or off-premises consumption. (P&Z) (SUP#2003-0063) On-premise beer and wine service is permitted. For off-premises sales, the following rules apply: Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of 40 fluid ounces or more. 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.** (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2003-0063)
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 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) (SUP#2003-0063)
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) (SUP#2003-0063)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2003-0063)
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) (SUP#2003-0063)
13. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2003-0063)
14. The applicant shall require that its employees who drive use off-street parking. (P&Z) (SUP#2003-0063)

15. Condition deleted. (P&Z)(SUP #2004-0033)
16. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2003-0063)
17. The applicant shall conduct an employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP#2003-0063)
18. 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 of the permit conditions, 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) (SUP #2004-0033)
19. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP #2004-0033)
20. The applicant shall install and maintain landscaped planters, to include four seasons of plants in at least two containers of a style and at a location approved by the Department of Planning and Zoning. (P&Z) (SUP #2004-0033)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Katrina Newton, 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:

F-1 No Comments

Code Enforcement:

C-1 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:

F-1 No comments.

Police Department:

The Police Department reviewed the calls for service for this business from January 1, 2003 – July 8, 2005. There are no calls that would suggest opposing an “ABC” permit. Therefore, the Police Department has the following recommendation:

R-1 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 # 2005-0069

[must use black ink or type]

PROPERTY LOCATION: 650 South Pickett Street Alexandria, VA 22304

TAX MAP REFERENCE: 67.00 02 09 ZONE: I

APPLICANT Name: Eholamreza Sanjideh

Address: 6300 Muller Dr. Alexandria, VA 22315

PROPERTY OWNER Name: 640-656 South Pickett Street, LLC

Address: 7609-D Airpark Road Gaithersburg, MD 20879

PROPOSED USE: Beer and Wine Sales for existing 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.

Eholamreza Sanjideh
Print Name of Applicant or Agent

[Signature]
Signature

650 South Pickett St.
Mailing/Street Address

(703) 370 2900 (703) 370 4996
Telephone # Fax #

Alexandria, VA 22304
City and State Zip Code

06/27/2005
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.

Gholamreza Sanjideh - 100% ownership

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

- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

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

The main purpose of the facility will remain as proposed and approved. The Restaurant is applying to add sales of beer and wine.

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: Add sales of beer and wine to existing Restaurant.

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).

Mornings - 10-20 ; Afternoons - 20-30 ; Evenings - 10-20.

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

2/shift

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

Day:

Hours:

Mon - Fri.

6:30 am - 10:00 pm

Sat + Sun

8:00 am - 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.

Minimal.

B. How will the noise from patrons be controlled?

Concrete walls.

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

Foods - controlled by high-tech fans + vents.

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?

Food / waste

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

Approx. 20 gal. / day

C. How often will trash be collected?

3 / week. dumpster located in back of restaurant

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

Providing trash cans.

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?

Facility prepared and equipped by the guidelines
of Fire Marshall.

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.

To sale Beer & wine on site and Togo

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?

One space / 4 seats

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

<u>20</u>	Standard spaces
<u>0</u>	Compact spaces
<u>1</u>	Handicapped accessible spaces.
<u>0</u>	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? One loading space

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

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?

Morning and Noon

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

5/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 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?

4600 sq. ft. (existing) + 0 sq. ft. (addition if any) = 4600 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: 64 At a bar: 0 Total number proposed: 64

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:

International foods based on mainly breads and pastries as well as grilled specialties, etc.

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

table service bar carry-out delivery
This is existing delivery for retail/wholesale.

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: Occasional live entertainment and possible large screen TV's.