

Docket Item #2
SPECIAL USE PERMIT #2005-0101

Planning Commission Meeting
November 1, 2005

ISSUE: Consideration of a request for a special use permit to operate a restaurant in an existing retail grocery.

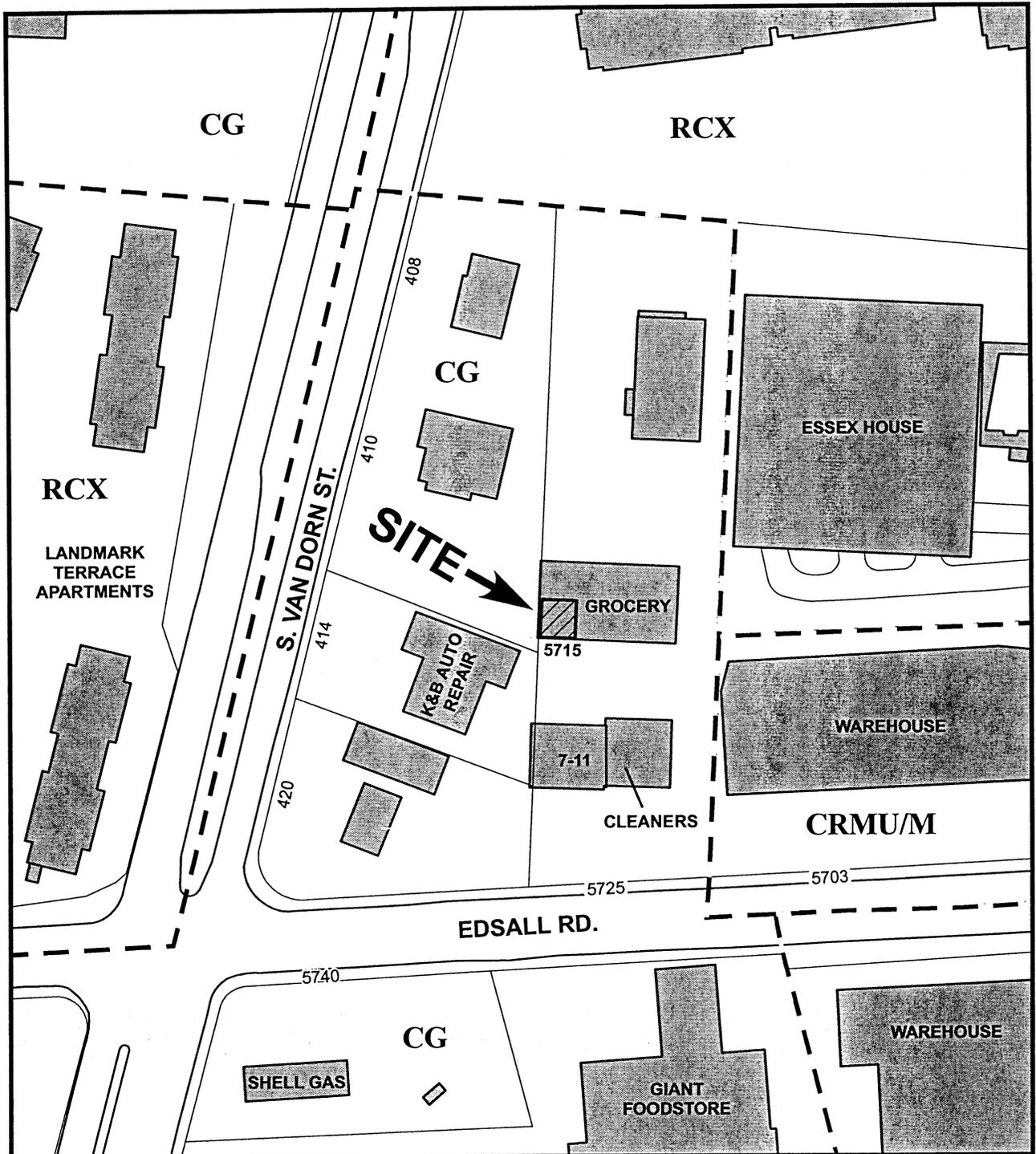
APPLICANT: Raffiullah Habibi

LOCATION: 5715 Edsall Road (Parcel Address: 5725 Edsall Road)

ZONE: CG/Commercial General

PLANNING COMMISSION ACTION, NOVEMBER 1, 2005: By unanimous consent, the Planning Commission recommended approval of the request.

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 #2005-0101

11/01/05



I. DISCUSSION

REQUEST

The applicant, Raffiullah Habibi, requests special use permit approval for the operation of a restaurant located at 5715 Edsall Road.

SITE DESCRIPTION

The subject property is one lot of record with 146 feet of frontage on Edsall Road, 555 feet of depth, with a total lot area of approximately 1.65 acres. The site is developed with a series of one and two story commercial buildings and surface parking. The subject tenant space is located on the first floor of a building opposite the 7-Eleven, and is occupied by a grocery store and bakery of 5,500 square feet. Access is provided from an interior drive out parking area. The restaurant is proposed to occupy 200 square feet of the store.



Entrance to Grocery Store and Proposed Restaurant

SURROUNDING USES

The surrounding area is occupied mostly by commercial uses. There is a dry cleaning business and 7-Eleven convenience store in the building immediately to the south. To the west is the Mr. Wash Express car wash. To the east is the Fair Price International Supermarket. South of Edsall Road is Giant supermarket and other small retail uses. To the north are other commercial businesses of Edsall Center.

PROJECT DESCRIPTION

The applicant proposes to operate a restaurant with carry-out within the existing grocery store and bakery. The specific aspects of the restaurant as proposed by the applicant are as follows:

- | | |
|------------------|-------------------------------------------------------------------------------------------------------------------|
| *Proposed Hours: | 10:00 a.m. to 8:00 p.m. daily
*See conditions. Recommended hours are different. |
| # Seats: | 12 seats |
| Trash/Litter: | The applicant anticipates trash to be collected twice each week from a dumpster located in front of the business. |
| Alcohol: | The applicant proposes <u>not</u> to sell alcohol. The grocery store does not currently have alcohol sales. |
| Entertainment: | The applicant does <u>not</u> propose entertainment. |

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 12 seats will be required to provide three off-street parking spaces. In this case, the applicant has 30 spaces designated for the use of the grocery and proposed restaurant. The retail grocery requires 21 spaces. Therefore, there is sufficient parking for the proposed restaurant.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG (Commercial General) zone. Section 4-400 of the Zoning Ordinance allows a restaurant use in the CG 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 commercial use.

II. STAFF ANALYSIS

Staff does not object to the proposed restaurant in the existing grocery store. The restaurant is located within a commercial business center and is not close to the public right-of-way. The restaurant use is compatible with the grocery store use, and will provide another service to those already shopping at the market.

Staff recommends the standard restaurant conditions, including that the applicant pick up litter, and recommends that the applicant install a trash container at the entrance of the business to also control this issue.

Staff has recommended the more flexible operating hours of 7:00 a.m. to 1:00 a.m. daily to be more consistent with those approved at a carry out restaurant on the other side of the building, and to provide the applicant with flexibility for the future. Staff has also recommended the standard one year review in the event any issues arise.

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to between 7:00 a.m. and 1:00 a.m. daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The applicant shall install a trash container at the entrance of the business for the use of patrons. (P&Z) (T&ES)
5. 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)
6. No beer, wine or alcoholic beverages shall be sold from the restaurant portion of the store. (P&Z)
7. No live entertainment shall be provided at 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. 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)

12. 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)
13. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, 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, 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;
Richard Josephson, Deputy Director;
Valerie Peterson, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control 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.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- C-1 The current use is classified as M, Mercantile; the proposed use in the Bakery section 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 This structure contains mixed use groups [M, Mercantile; B, Business; S-2, Low-Hazard Storage (public garage, group 2) and is subject to the mixed use and occupancy requirements of USBC 302.3
- 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 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-7 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-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.

Health Department:

- F-1 This facility is currently operating as Afghan Market under an Alexandria Health permit, issued to Raffiullah Habibi.
- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans must be submitted to and approved by this department prior to construction/modifications. 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 Approval must be obtained prior to use of the modified areas.
- C-4 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5 A certified Food Manager 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 Community Relations 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 Community Relations 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.

APPLICATION for SPECIAL USE PERMIT # 2005-0101

[must use black ink or type] (Parcel Add: 5725 Edsall Rd)

PROPERTY LOCATION: 5715 EDSALL ROAD

TAX MAP REFERENCE: 57.04-04-05 ZONE: CG

APPLICANT Name: RAFFIULLAH HABIBI

Address: 5717 EDSALL ROAD

PROPERTY OWNER Name: EDSALL CENTER

Address: 5715 EDSALL ROAD URBAN

PROPOSED USE: RESTAURANT AND CARRY OUT

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.

RAFFI ULLAH HABIBI
Print Name of Applicant or Agent


Signature

5715 EDSALL ROAD, ALEXANDRIA
Mailing/Street Address

7032129529
Telephone #

Fax #

VIRGINIA 22304
City and State Zip Code

08/23/05
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.

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.

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).
- 12 SEATS WILL BE PROVIDED AT THIS FACILITY
- _____
- B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).
- 3 EXISTING STAFF AND ADDITIONAL 2 MORE PERSONNEL. THE HOURS FOR ALL
- 5 PERSONNEL WILL BE 10AM TO 8 PM.
- _____
6. Please describe the proposed hours and days of operation of the proposed use:
- | | |
|---------------------------------------|----------------------|
| Day: | Hours: |
| <u>MONDAY TO SUNDAY 7 DAYS A WEEK</u> | <u>10 AM TO 8 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.
- THERE WILL BE NO ADDITIONAL EQUIPMENT REQUIRED TO EXPAND THE OPERATION.
- SO THERE WILL BE NO ADDITIONAL NOISE GENERATION

B. How will the noise from patrons be controlled?

THE PATRONS WILL BE SEATING INSIDE THE PREMISES SO NO NEW NOISE
TO BE TRANSMITTED TO OUT SIDE.

8. Describe any potential odors emanating from the proposed use and plans to control them:
THERE IS AN EXISTING HOOD TERMINATED ABOVE THE ROOF. AND THERE IS AN EXISTING
FOOD PREPARTION UNIT IN THE SAME BUILDING USING THE SAME MEANS TO CONTROL ODOR

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?

THERE WILL BE FOOD ORIANATED TRASH AND GARBAGE IS GENERATED AND
REMOVED FROM THE OUTSIDE THE PREMISES BY TRASH REMOVAL COMPANY

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

A SMALL 5 YDS CONTAINER EVERY THREE DAYS.

C. How often will trash be collected?

TWICE A WEEK.

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

THERE WILL NOT BE NOTICEABLE CHANGE IN USE OF THE PROPERTY. THE STREETS
AND EXISTING PROPERTY ARE INSPECTED TWICE A DAY TO KEEP IT CLEAN.

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:

N/A

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:

N/A

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

N/A

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 four seats. (3)

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

29 Standard spaces

 Compact spaces

1 Handicapped accessible spaces.

1 LOADING /UNLOADING 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? FRONT OF THE SRORE

Special Use Permit # 2005-0101

D. During what hours of the day do you expect loading/unloading operations to occur?
10AM TO 12 AM

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

ALTERNATE DAY OF THE WEEK 3-4 TIMES 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?

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?

_____ 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: _____

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

other, please describe: TWO STORY BUILDING FIRST FLOOR IS OCCUPIED BY CONVINIANCE MARKET INCLUDING NEW SEATING AREA TOTAL SQUARE FEET 5500 MARKET 4000 SQUARE FEET, BAKERY 1250 SQUARE FEET SEATING 200 SQUARE FEET.

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: 3 At a bar: NONE Total number proposed: 3X4= 12 SEATING

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:
GRILLED MEATS, VEGETABLE AND MEAT CURRIES, FRESH BAKED BREAD AND PRECOOKED DESERTS.
SOFT DRINKS BOTTELED AND TEA COFFEE

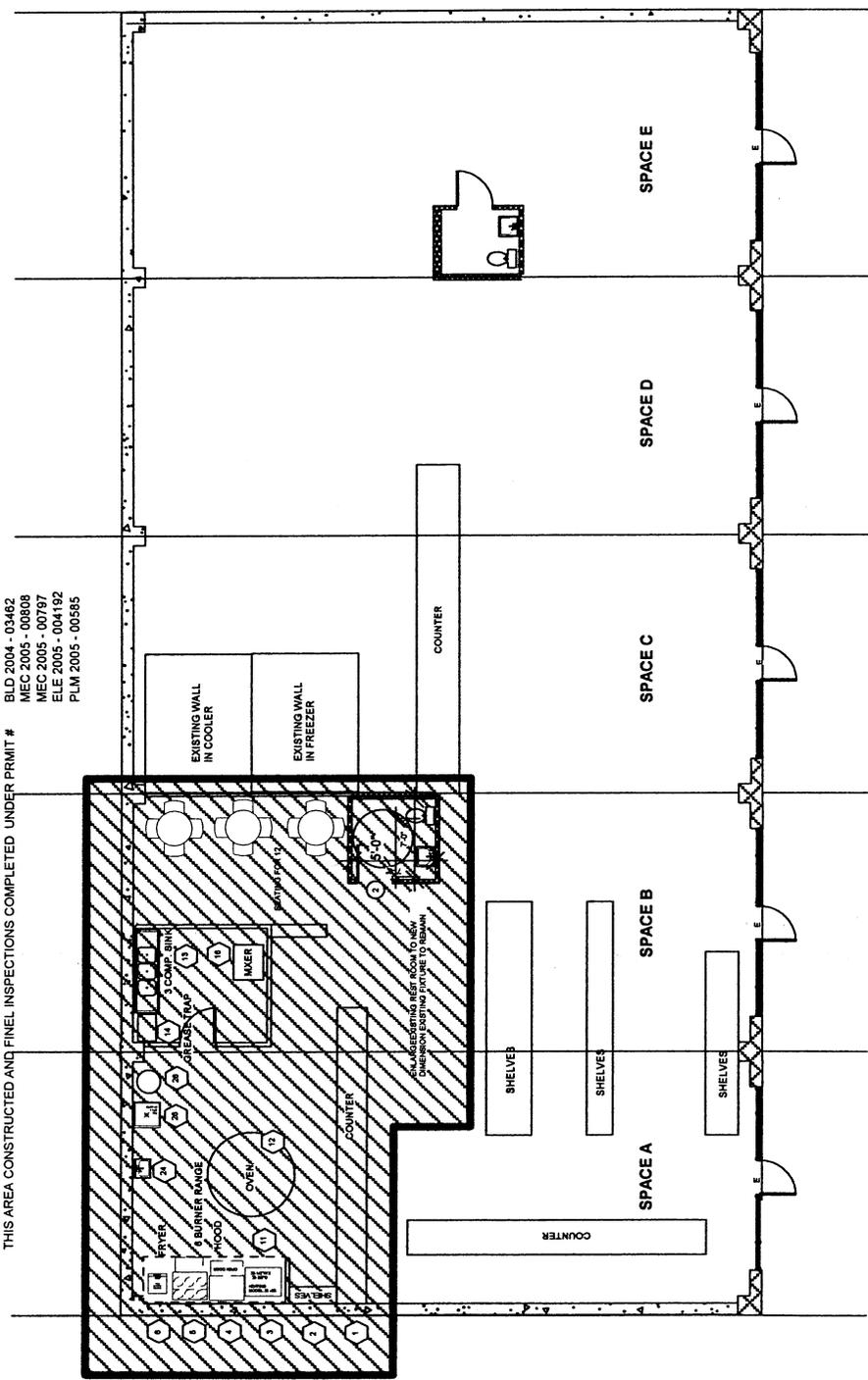
4. The restaurant will offer the following service (check items that apply):
X table service bar X carry-out NO delivery

5. If delivery service is proposed, how many vehicles do you anticipate? N/A
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 No.
If yes, please describe: _____

SUP2005-0101

ARCHITECTURAL PLAN FIRST FLOOR
ARCHITECT ROHIT C. THAKKAR
1628 MONTAGUE STREET NW WASHINGTON
WASHINGTON DC 20017
TEL 202 423 9187 FAX 202 723 4187



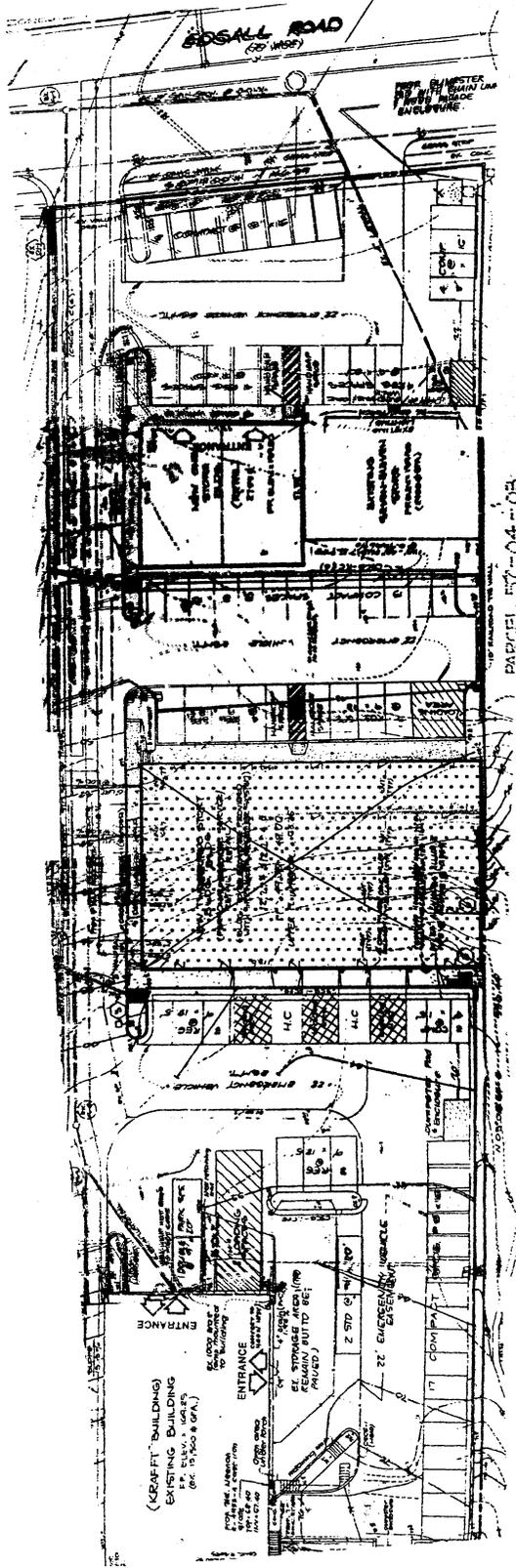
BLD 2004 - 03462
MEC 2005 - 00808
MEC 2005 - 00797
ELE 2005 - 004192
PLM 2005 - 00585

THIS AREA CONSTRUCTED AND FINAL INSPECTIONS COMPLETED UNDER PERMIT #

FIRST FLOOR PLAN
SCALE : 1/16" = 1'-0"

PARKING TABULATION:

TOTAL AREA OF THE FIRST FLOOR	5500SQ.FT.
STORAGE AREA	700SQ.FT.
RESTAURANT SEATING AREA	200SQ.FT.
KITCHEN AREA FOR BAKERY AND RESTAURANT	700SQ.FT.
REST ROOMS	100SQ.FT.
TOTAL AREA EXCLUDING RETAIL USE	1500SQ.FT.
TOTAL RETAIL AREA OF THE FIRST FLOOR	4000SQ.FT.
PARKING REQUIRED FOR 4000 SQ.FT./220X1.2	21 SPACES + 1 LOADING UNLOADING
PARKING SPACE REQUIRED FOR RESTAURANT SEATING 12/4=3	25
TOTAL REQUIRED PARKING	30
TOTAL DESIGNATED PARKING	30



ENTIRE FIRST FLOOR OF THIS BUILDING IS THE AFGHAN MARKET AND BAKERY PART OF THAT WILL BE RESTAURANT AS INDICATED ON FLOOR PLAN.

SITE PLAN

PARKING TABULATION:

TOTAL AREA OF THE FIRST FLOOR	500650 FT
STORAGE AREA	70950 FT
RESTAURANT SEATING AREA	20080 FT
KITCHEN AREA FOR BAKERY AND RESTAURANT	70680 FT
REST ROOMS	10090 FT
TOTAL AREA EXCLUDING RETAIL USE	150090 FT
TOTAL RETAIL AREA OF THE FIRST FLOOR	400860 FT
PARKING REQUIRED FOR 4000 SQ FT (220X12)	21 SPACES * 1 LOADING UNLOADING
TOTAL REQUIRED PARKING	25
TOTAL DESIGNATED PARKING	30

22

AFGHAN MARKET

INTERNATIONAL FOODS & BEVERAGES

GROCERIES

SALES

SALES

FRONT DOOR (ENTERANCE)



5715

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AL FREDDI MARKET
GRAND OPENING
HALL AT FREDDI'S
INTERNATIONAL GROCERIES

RUGS
INTERNATIONAL

GIFT



APPLICATION for SPECIAL USE PERMIT # 2005-0101

[must use black ink or type] (Parcel Add: 5725 Edsall Rd)
PROPERTY LOCATION: 5715 EDSALL ROAD

TAX MAP REFERENCE: 57.04-04-05 ZONE: CG

APPLICANT Name: RAFFIULLAH HABIBI

Address: 5717 EDSALL ROAD

PROPERTY OWNER Name: EDSALL CENTER

Address: 5715 EDSALL ROAD VIRGINIA

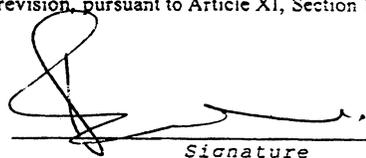
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RAFFI ULLAH HABIBI
Print Name of Applicant or Agent


Signature

5715 EDSALL ROAD, ALEXANDRIA
Mailing/Street Address

7032129529
Telephone # Fax #

VIRGINIA 22304
City and State Zip Code

08/23/05
Date

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

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

ACTION - PLANNING COMMISSION: By unanimous consent recommended approval 11/01/05

ACTION - CITY COUNCIL: 11/12/05- CC approved the PC recommendation 6-0