

EXHIBIT NO. 1

10  
9-16-06

Docket Item #12  
SPECIAL USE PERMIT #2006-0067

Planning Commission Meeting  
September 7, 2006

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

**APPLICANT:** Chuchart Kampirapang

**LOCATION:** 2461 Eisenhower Avenue  
Units #215 & #219

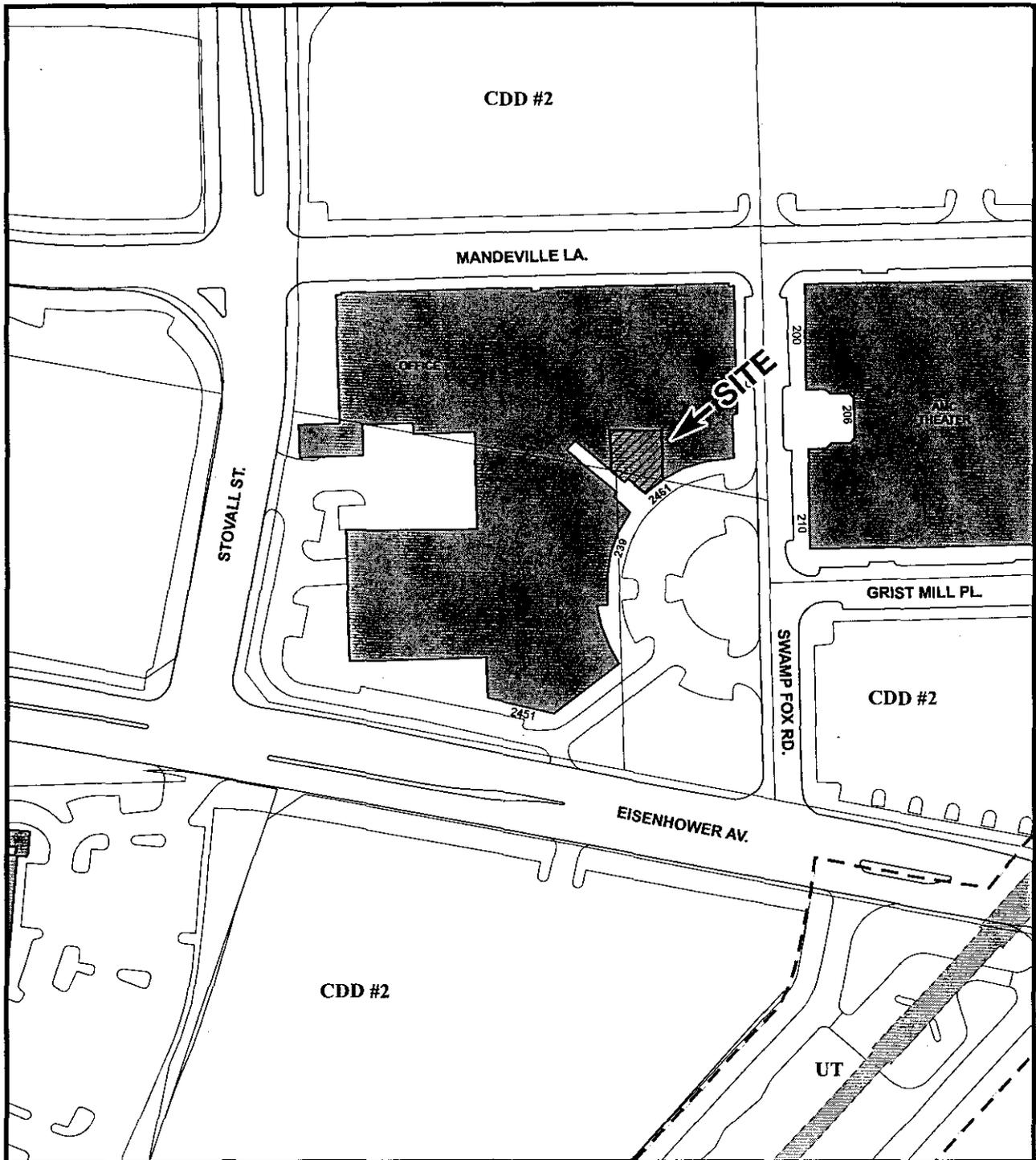
**ZONE:** CDD-#2/Coordinated Development District

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**PLANNING COMMISSION ACTION, SEPTEMBER 7, 2006:** 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 recommended permit conditions found in Section III of this report.



**SUP #2006-0067**

**09/07/06**



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## I. DISCUSSION

### REQUEST

The applicant, Chuchari Kampirapang, requests special use permit approval for the operation of a restaurant located at 2461 Eisenhower Avenue, Units #215 & #219.

### SITE DESCRIPTION

The subject property is part of what is known as the Hoffman Town Center and is developed with the Hoffman office buildings (Hoffman I and II), with one-story retail and restaurant space that wraps around the south and east sides of the buildings, and a crescent-shaped pedestrian plaza oriented toward Swamp Fox Road. The applicant proposes to occupy a 1,619 square feet tenant space facing Eisenhower Avenue. Some of the remaining retail space is still vacant, however, there is a Bread and Chocolate Restaurant, Cold Stone Creamery, a barber shop and dry cleaner located northeast of the subject tenant space along the pedestrian plaza. In May of 2004, City Council approved Ted's Montana Grill to occupy 5,398 square feet of floor area south of the subject site.



### SURROUNDING USES

In addition to the immediate retail tenant spaces along the pedestrian plaza, surrounding uses include Ruby Tuesday's restaurant, the San Antonio Grill restaurant, a movie theater, surface parking and offices. The Eisenhower Metrorail station is located southeast of the subject property.

### SUP HISTORY

On June 13, 1998, City Council granted Special Use Permit #98-0042, with site plan, to construct a theater with retail and restaurant uses. Condition #2 states that each restaurant is required to obtain a separate Special Use Permit for operation. On October 14, 2000, City Council approved DSUP #2000-0028 amending SUP#98-0042 to add an office building and parking garage on existing surface parking behind the movie theaters, and add facade details for the subject property.

### PROPOSAL

The applicant proposes to operate a full service Thai Restaurant with 120 indoor dining seats and 10 outdoor dining seats. The outdoor seating will be situated in the corner created by the tenant space and the office building and along the window front facing Swamp Fox Road on private property. The tables and chairs will not be permanent in nature and aligned in a way that maintains sufficient sidewalk clearance. Carry-out service will be available, but no delivery service is proposed. The

applicant proposes that their peak hours of operation are daily between Monday- Friday 11:30am-2pm as well as daily evening hours from 6pm-9pm.

Hours:	11am- midnight daily
Number of indoor seats:	120
Number of outdoor seats:	10
Noise:	No mechanical noise is anticipated. If patrons are too loud, restaurant staff will ask patrons to leave.
Trash/Litter:	4 bags per day to be collected 4 times per week.
Alcohol:	Applicant proposes to offer on premise beer and wine only.
Loading/Unloading:	Monday and Friday 10am-11am

PARKING

Pursuant to Section 8-200 of the Zoning Ordinance, the proposed restaurant is required to provide 33 spaces, one space for every four seats. Parking requirements for the subject restaurant space were analyzed and met under the Special Use Permit approved in 1998 for the theater building and pedestrian plaza area at the Hoffman office buildings (SUP#98-0042).

The parking requirement for the theater, retail and restaurant uses is 1,741 parking spaces. The office buildings (Hoffman I and II) require 1,523 parking spaces. The total parking requirement is 3,264 parking spaces. There are currently 3,833 parking spaces on the Hoffman Tract; this total number will be reduced to 2,724 spaces in the first phase of development, with the construction of the theater and retail uses and the reconfiguration of the surface lots, 540 parking spaces fewer than required (SUP#98-0042).

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD-2/Coordinated Development District. According to Section 5-602 of the Zoning Ordinance, the underlying zoning of the CDD-2 zone is OC/Office Commercial. According to Section 4-803 (AA) of the Zoning Ordinance, a restaurant is allowed in the OC zone only with a special use permit. The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for commercial uses.

## II. STAFF ANALYSIS

Staff supports the proposed full service restaurant located at 2461 Eisenhower Avenue. Restaurant uses were a part of the original development concept. The proposed restaurant is compatible with the nearby theater and office uses. It will provide a convenient restaurant establishment for daytime office users, but will also provide another destination for the theater and restaurant patrons during the evening, creating a more lively, active environment. Although the applicant has not requested to be open beyond 12am, staff recommends allowing the operation to be open until 1:30am to provide flexibility for the applicant. The later hours are consistent with the hours of operation of the nearby San Antonio Grill and Ted's Montana Grill, also allowing on-premise alcohol. The proposed restaurant is consistent with the Eisenhower East Small Area Plan which envisions a vibrant mix of retail and restaurant uses in a new town center approach at Hoffman.

Staff finds that the reduced number of parking spaces for the development should suffice since the theater and office uses have different peak usage times and thereby can share parking. The original TMP for the Hoffman project, approved with the concept plan for the Hoffman CDD, utilized shared parking and staff supported the approach. (DSUP#2000-0028).

Staff has included the standard restaurant conditions and a condition requiring a review of the restaurant after it has been operational for one year. With these 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).
2. Seating shall be provided for no more than 120 indoor seats and 10 outdoor dining seats. (P&Z)
3. Outside dining is permitted on private property in accordance with the attached plan. The applicant shall ensure that pedestrian access past the outdoor seating area is provided per City codes and that the outdoor seating area is cleaned at the close of each day of operation. At least two landscape planters of a style and at a location approved by the Department of Planning and Zoning shall be placed in the area devoted to the outdoor seating area, to include four seasons of plants. (P&Z)

4. On site alcohol, beer, and wine are permitted; no off-premise alcohol sales are permitted. (P&Z)
5. No live entertainment shall be provided on the premises. (P&Z)
6. The hours of operation shall be between 11:00 a.m.- 1:30 a.m. daily. (P&Z)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
8. No food, beverages, or other material shall be stored outside. (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 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)
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. All disposable paper goods or drink containers shall be clearly marked so that the source of any litter can be identified. (P&Z)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
13. The applicant shall control 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 and Environmental Services. (T&ES)
14. Loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
15. Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)

16. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
17. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
18. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
19. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees and a security survey for the business, which is to be completed prior to the business opening. (Police)
20. 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)
21. 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)
22. 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 received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (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;  
James Hunt, Urban Planner.

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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 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.

##### Code Enforcement:

- C-1 The current use is classified as M, Mercantile; 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 A Certificate of Use of Occupancy is required prior to opening.
- 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 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-7 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-8 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- 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 Permits must be obtained prior to operation.
- C-3 Five sets of plans must 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 plans review of food facilities.
- C-4 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 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 seeking an "ABC On" license only. The Police Department has no objections.



SUP # 2006-0067



# APPLICATION

## SPECIAL USE PERMIT

**All applicants must complete this form. Supplemental signs are required for child care facilities, restaurants, automobile-oriented uses and freestanding signs requiring special use permit approval.**

1. The applicant is the (check one):
- 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.

CHUEHART KAMPIRAPANG 100%

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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 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" 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.

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**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. The description should include 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.)

THAI RESTAURANT  
100 CUSTOMERS PER DAY

**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).

100 CUSTOMERS PER DAY

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

20

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

Day: DAILY Hours: 11:00 AM - 12:00 AM

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

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

N/A

B. How will the noise from patrons be controlled?

IF NOISE TOO LOUD WE WILL ASK PATRONS TO LEAVE

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

HOOD

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?

RESTAURANT TRASH

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

4 BAGS PER DAY

C. How often will trash be collected?

4 DAY A WEEK

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

TRASHCAN OUTSIDE

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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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. [X] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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

FIRE EXTINGUISHER

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#### ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

[X] 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.

ON PERMIT ABC LICENSE ONLY

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#### 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?

3000

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

- 3000 Standard spaces
- \_\_\_\_\_ Compact spaces
- \_\_\_\_\_ Handicapped accessible spaces.
- \_\_\_\_\_ Other.

C. Where is required parking located? (check one)

- on-site
- off-site

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 BUILDING

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

1 HOUR

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

MONDAY 10:00AM

FRIDAY 10:00 AM

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?

YES

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**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?

3771 sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = 3771 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: OFFICE BUILDING

SUP # 2006-0067  
Admin-Use Permit # \_\_\_\_\_



## SUPPLEMENTAL APPLICATION

RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?  
Indoors: 120      Outdoors: 10      Total number proposed: 130

2. Will the restaurant offer any of the following?  
Alcoholic beverages (**SUP only**)       Yes       No  
Beer and wine — on-premises       Yes       No  
Beer and wine — off-premises       Yes       No

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

THAI AND ~~INDIAN~~ SUSHI BAR

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? \_\_\_\_\_

Will delivery drivers use their own vehicles?       Yes       No

Where will delivery vehicles be parked when not in use?

\_\_\_\_\_ N/A

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?

Yes       No

If yes, please describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_







# APPLICATION

**SPECIAL USE PERMIT**

**SPECIAL USE PERMIT #** 2006-0067

**PROPERTY LOCATION:** 2461 Eisenhower Ave, # 215 & 219  
**TAX MAP REFERENCE:** 072.04-03-16 **ZONE:** CPD#2

**APPLICANT**

Name: CHUCHART KAMPIRAPANG  
Address: 8318 ORVILLE ST ALEXANDRIA, VA 22309

**PROPERTY OWNER**

Name: HOFFMAN INC  
Address: \_\_\_\_\_

**PROPOSED USE:** RESTAURANT

**THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 IV, Section 4-1404(D)(7) 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 Director of Planning and Zoning 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.

CHUCHART KAMPIRAPANG  
Print Name of Applicant or Agent  
8318 ORVILLE ST  
Mailing/Street Address  
ALEXANDRIA, VA 22309  
City and State Zip Code

Chuehart Kampirapang  
Signature  
703-780-0031 703 619-0347  
Telephone # Fax #  
ASIANGRILLE@HOTMAIL.COM  
Email address  
6/28/06  
Date

**DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY**

Application Received: \_\_\_\_\_ Date & Fee Paid: \$ \_\_\_\_\_  
ACTION - PLANNING COMMISSION: Unanimous consent, recommended approval 9/7/06  
ACTION - CITY COUNCIL: 9/16/06 - City Council approved the PC recommendation 7-0