

DATE: November 17, 2010

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2010-0071
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Chun De Chen
Location: 5715A Edsall Road
Zone: CG / Commercial General

Request

Special Use Permit #2010-0071 is a request to change ownership of an existing restaurant from Qi Lin to Chun De Chen. No changes to the operation are proposed and the restaurant will continue to serve Asian cuisine to carry-out customers and delivery customers only.

Background

City Council approved a restaurant in this location in 1993 (SUP#2734). Since that time, ownership has changed a total of five times. Staff administratively approved the most recent request, SUP#2007-0119, on November 28, 2007 to change ownership to Qi Lin.

On November 17, 2010, staff visited the subject property and found three violations of the conditions of Special Use Permit #2007-0119, which were: the previous owner's failure to pay the \$500 beautification fee, the need of a trash can inside the restaurant as specified, and the need for a security survey and robbery readiness training. These violations were promptly corrected. Staff has not received any complaints that would require it to docket the request for public hearing.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff has not received any comments from residents or adjacent businesses that would require it to docket the request for public hearing.

Staff Action

Staff does not object to the proposed change of ownership and hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: November 23, 2010

Action: Approved

A handwritten signature in black ink, appearing to read "Barbara Ross", is written over a horizontal line.

Barbara Ross, Deputy Director

- Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT # 2010-0071

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

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 #97-0170)
2. No seating shall be provided for use by patrons. (P&Z) (SUP 2734)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP 2734)
4. The hours of operation shall be limited to 11:00 A.M. to 1:00 A.M., seven days a week. (P&Z) (SUP 2734)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP 2734)
6. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2001-0129)
7. Trash and garbage shall be collected every day that service is available. (P&Z) (SUP 2734)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP 2734)
9. At least one trash container shall be located next to the entrance of the restaurant for the use of patrons, the container shall not be permitted to overflow, and the areas around the container shall be kept clean. This trash container shall be installed within six months of approval. (P&Z) (PC) (SUP #97-0170)
10. Condition deleted. (PC) (SUP #97-0170)
11. 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 2734)
12. No beer, wine or alcoholic beverages shall be sold. (P&Z) (SUP 2734)
13. **CONDITION AMENDED BY STAFF:** Not more than eight delivery vehicles shall be permitted on-site at any one time. No delivery vehicles shall be parked

on-street or in the public right-of-way at any time they are in proximity to the restaurant. (P&Z) (SUP 2734)

14. Kitchen equipment shall not be cleaned outside nor shall any cooking residuals be washed into the streets, alleys or storm sewers. (T&ES) (SUP 2734)
15. 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. (P&Z) (T&ES) (SUP #2001-0129)
16. The new applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for employees. (Police) (SUP#2007-0119)
17. 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#2007-0119)
18. The applicant shall require its employees who drive to work to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) (SUP#2007-0119)
19. 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#2007-0119)
20. **CONDITION SATISFIED 11/18/2010 AND DELETED BY STAFF:** ~~Applicant shall contribute \$500.00 to the Litter Control 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 approval. (T&ES) (SUP#2007-0119)~~
21. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan~~

~~forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP#2007-0119)~~

22. **CONDITION SUPERCEDED BY STATE LAW AND DELETED BY STAFF:** ~~The applicant shall comply with any requirement adopted as part of a smoke-free ordinance. (P&Z) (SUP#2007-0119)~~
23. **CONDITION ADDED BY STAFF:** No live entertainment shall be permitted at the restaurant. (P&Z)
24. **CONDITION ADDED BY STAFF:** Meals ordered before the closing hour may be sold, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z)
25. **CONDITION ADDED BY STAFF:** 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)
26. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z)