



DOCKET ITEM #5

EXHIBIT NO. 1**Special Use Permit #2011-0045**
212 West Glebe Road – The Blend6
9-17-11

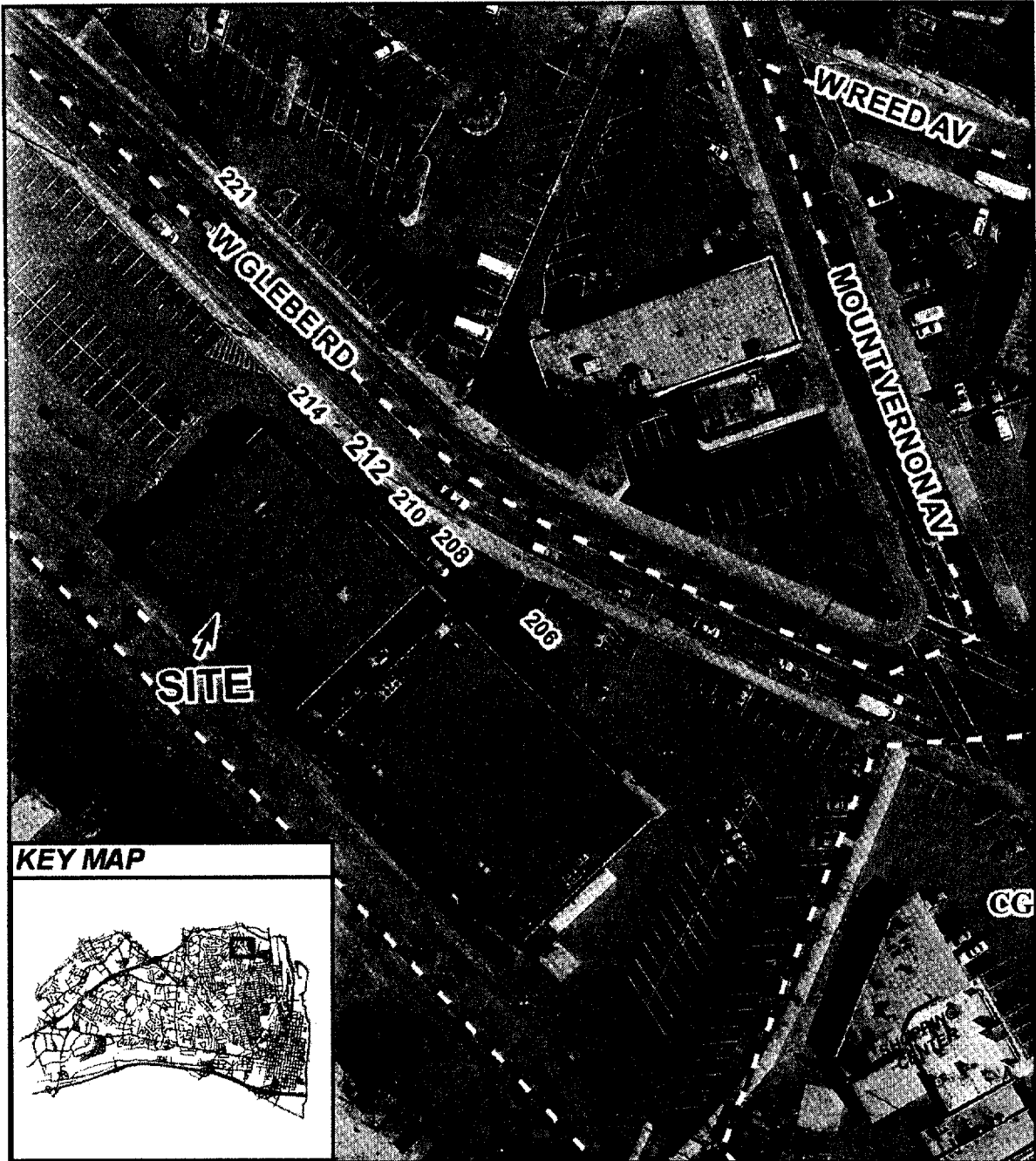
Application	General Data	
Consideration of a request to operate a restaurant.	Planning Commission Hearing:	September 8, 2011
	City Council Hearing:	September 17, 2011
Address: 212 West Glebe Road (Parcel Addresses: 206 West Glebe Road and 3699 Russell Road)	Zone:	NR/Neighborhood Retail
Applicant: Marcus Williams by M Catharine Puskar, Attorney	Small Area Plan:	Potomac West

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

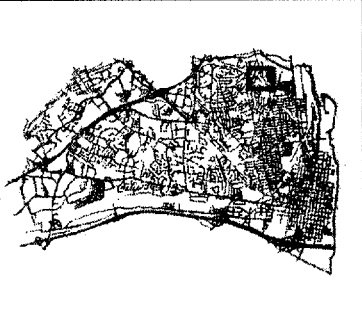
Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, SEPTEMBER 8, 2011: 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.



KEY MAP



SUP#2011-0045

9/8/2011

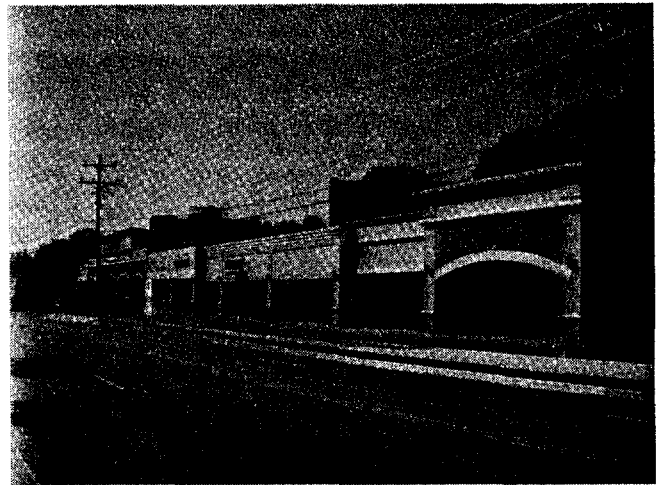


I. DISCUSSION

The applicant, Marcus Williams, represented by Catharine Puskar, attorney, requests Special Use Permit approval to operate a restaurant at 212 West Glebe Road.

SITE DESCRIPTION

The subject site is two lots of record. The larger of the two lots has 700 feet of frontage on West Glebe Road, an average 150 feet of depth, and measures 106,265 square feet (2.44 acres) in total. A one-story commercial center, constructed in the mid-1960s and renovated last year, is located on this site. Current tenants include a grocery store and a hair salon. The remaining two tenant spaces in the building are now vacant.



The second lot is a long, narrow lot without frontage measuring 73,378 square feet and located immediately behind the commercial center building.

Retail uses, including a dollar store and a Duron paint store, are located to the north at the old Safeway site. Two car title loan businesses and a McDonald's restaurant are located to the east. A small market, two restaurants, and a 7-Eleven convenience store are located in a small shopping center to the southeast. The Warwick Village residential townhouse community is located to the west and southwest.

PROPOSAL

The applicant proposes to operate a 100-seat restaurant in a 2,800 square-foot tenant space in a small retail center. International cuisine, including Caribbean, Hispanic, and American specialties will be served in a fast-casual concept in which food ordered by customers at a counter is brought to the customer's seat by restaurant staff. On-premises alcohol is proposed, but no live entertainment will be offered. The delivery of food to customers will be offered using one delivery vehicle. A small meat counter at which fresh meat and fish will be available for retail sales is also a part of the applicant's proposal.

<u>Hours of Operation:</u>	6:00am – 11:00pm seven days/week
<u>Number of seats:</u>	100 seats
<u>Type of Service:</u>	Limited table service, carry-out, bar-service

<u>Alcohol:</u>	On-premises alcohol service only
<u>Live Entertainment:</u>	No live entertainment will be offered
<u>Delivery:</u>	One vehicle will be used to deliver food to customers
<u>Noise:</u>	Typical restaurant noises are expected
<u>Odors:</u>	No odors will emanate from inside the restaurant
<u>Trash/Litter:</u>	Typical trash includes food waste and disposable plates and utensils which will be collected from dumpster at rear of building three times each week.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. One off-street loading space and one additional off-street parking space is required for each delivery vehicle. A restaurant with 100 seats and one delivery vehicle is required to provide a total of 26 parking spaces plus one loading space. The applicant satisfies this parking requirement with one loading space to the rear of the restaurant and the use of 141 parking spaces, shared with other tenants, in the on-site surface parking lot.

ZONING/MASTER PLAN DESIGNATION

The proposed restaurant use is located in NR / Neighborhood Retail (Arlandria) zone. Section 4-1404(M) of the Zoning Ordinance allows a restaurant in the NR zone and requires a Special Use Permit when it does not qualify for administrative approval. The applicant's proposed restaurant is not eligible for an Administrative Special Use Permit since full wait service will not be provided. Although restaurants are permitted uses in "shopping centers", the building in which the restaurant is proposed does not meet the Zoning Ordinance definition for a "shopping center" because it is approximately 10,000 square feet too small.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial uses.

II. STAFF ANALYSIS

Staff supports the applicant's request to operate a restaurant. The proposed location in a small commercial center near the intersection of West Glebe Road and Mount Vernon Avenue is appropriate. Although some residences are located behind and uphill from the site, the area is characterized primarily by commercial uses. The building façade was significantly improved about a year ago. Parking is abundant in the surface lot located to the side of the commercial center.

The applicant's proposal has a low potential for creating neighborhood impacts. For example, no live entertainment is proposed and alcohol service will be limited to on-premises only. Additionally, no late night hours are included as a part of this proposal. The closing hour of 11:00pm each night is reasonable and is the same as, or earlier than, the closing hour at other restaurants in Arlandria.

Staff has included standard conditions of approval in this report regarding matters such as odors and litter to further mitigate potential impacts. Condition #9 has also been included to reinforce the special Zoning Ordinance requirements regarding signage in the NR zone. These requirements stipulate, among other things, that signage at multi-tenant buildings, such as this one, shall be of uniform character and location.

Subject to the conditions contained in Section III of this report, staff recommends approval of the applicant's request.

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 maximum number of seats at the restaurant shall be 100. (P&Z)
3. The hours of operation at the restaurant shall be limited to between 6:00am and 11:00pm seven days/week. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. No outdoor seating shall be provided at the restaurant. (P&Z)
6. On-premises alcohol service may be permitted but off-premises alcohol sales shall be prohibited. (P&Z)
7. No live entertainment shall be allowed at the restaurant. (P&Z)

8. Not more than one delivery vehicle may be used to deliver food to customers. The delivery vehicle must park in an off-street parking space when at the restaurant. (P&Z)(T&ES)
9. All signage at the business shall be consistent, to the satisfaction of the Director of Planning & Zoning, with the sign requirements of the NR zone found in Section 4-1410 of the Zoning Ordinance. (P&Z)
10. 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)
11. 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, and on how to prevent underage sales of alcohol. (P&Z)
12. No food, beverages, or other material shall be stored outside. (P&Z)
13. 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 or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
14. 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. (T&ES)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. 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)
17. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
18. All waste products including but not limited to organic compounds (solvents) shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

20. The applicant shall require its employees who drive 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. (T&ES)
21. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
22. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery readiness program for all employees. (Police)
23. 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 as the 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)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, 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 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. (T&ES)
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-3 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-4 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-5 All waste products including but not limited to organic compounds (solvents) shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
- R-6 Deliveries shall be limited to one marked vehicle. The delivery vehicle may not park on the street at any time. (T&ES)
- R-7 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-8 The applicant shall require its employees who drive 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. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES)

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval.

Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form.

- C-2 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. (T&ES)

Code Enforcement:

- F-1 The following comments are for preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Thomas Sciulli, Plan Review Supervisor at 703-746-4190 or thomas.sciulli@alexandriava.gov.
- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure and/or installation of equipment requires construction/alteration permits. Six sets of architectural quality drawings shall accompany the permit applications that fully detail the construction/alteration as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-3 A seating/table layout complete with dimensions showing all aisle and passageway clearances will be required to be submitted for review.
- C-4 A fire prevention code permit is required for the proposed operation.
- C-5 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
- C-6 Sufficient toilet rooms must be provided to accommodate the total occupancy load for restaurant staff and patron seating. (USBC 2902.1).
- C-7 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 cannot discharge to the building drainage system through a grease interceptor (USBC 2801).
- C-8 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:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Six sets of plans of each facility must be submitted through the Permit Center and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$200.00 fee for review of plans for 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.

Parks and Recreation:

- F-1 No Comment

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery readiness program for all employees.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 291-0045

PROPERTY LOCATION: 212 W. Glebe Rd. (Shopping Center address 206 W. Glebe Rd.) *Parcel Address/*

TAX MAP REFERENCE: 015.01-08-06 **ZONE:** NR

APPLICANT:

Name: Marcus Williams

Address: 212 W. Glebe Road, Alexandria, VA 22305

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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

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.

Marcus Williams

By: M. Catharine Puskar, Atty. *M. Catharine Puskar by e.m. 6/21/11*

Print Name of Applicant or Agent	Signature	Date
<u>Walsh, Colucci, Lubeley, Emrich & Walsh, PC</u>	<u>703-528-4700</u>	<u>6/21/11</u>
<u>2200 Clarendon Blvd., #1300</u>	<u>703-525-3197</u>	
Mailing/Street Address	Telephone #	Fax #
<u>Arlington, VA</u>	<u>cpuskar@arl.thelandlawyers.com</u>	<u>emckeeby@arl.thelandlawyers.com</u>
<u>22201</u>	<u>emckeeby@arl.thelandlawyers.com</u>	
City and State	Zip Code	Email address



PROPERTY OWNER'S AUTHORIZATION

As the property owner of 212 West Glebe Road, I hereby
(Property Address)

grant the applicant authorization to apply for the restaurant use as
(use)

described in this application.

Name: Bon Suk Shim Phone: (240) 676-4030

Please Print
 Address: 11612 LAKE POTOMAC DR POTOMAC MD Email: shim8484@gmail.com

Signature: *Bon Suk Shim* Date: 6/21/11

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. 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 or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Please see page 3.

REVISED

SUP # 201-0045

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Marcus Williams	212 West Glebe Road Alexandria, VA 22305	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 212 W. Glebe Road (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Ku Shim Partnership	206 West Glebe Road Alexandria, VA 22305	
2. Dong Shim		45%
3. Bon Shim		10%
4x Bon Ku		45%

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Marcus Williams	None	
2. Dong Shim	None	
3x Bon Shim	None	
4. Bon Ku	None	

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

6/21/11

Date

Revised
6/24/11

Marcus Williams

By: M. Catharine Puskar

Printed Name

M. Catharine Puskar by E.M.

Signature

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? N/A

[] **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.

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 fully discuss the nature of the activity. (Attach additional sheets if necessary.)

Please see attached.

3.) Narrative Description

The Applicant, Marcus Williams, is requesting a Special Use Permit (SUP) in order to establish a full service international foods restaurant and market, called "The Blend" in the Arlandria area of Alexandria. The proposed restaurant will be located in the center of the Glebe Road Shopping Center at 206 W. Glebe Road and the specific restaurant address will be 212 W. Glebe Road.

The Blend proposes a diverse menu incorporating an array of popular flavors from various cultures such as the Caribbean, Ethiopian, Spanish and American. The restaurant menu proposes to include breakfast items, sandwiches, soups and stews, salads, desserts and beverages. The SUP application is requesting permission for the sale of alcohol for on-premise consumption only with a low ratio of alcohol to food. Please see a draft of the proposed menu attached with the application.

The majority of the foods will be prepared fresh by chefs on-site and some pre-packaged foods will be sold. The Blend also proposes to include a small meat market for patrons to purchase for their own preparation at home. It is anticipated that only about twenty percent of the business will be attributed to this sale of specialty meats and fish from the fresh deli case.

Seating in the approximately 2,830 square foot restaurant space is proposed to be accommodates as booths, with a maximum capacity of 100 total seats. A maximum of 14 employees/personnel are proposed to be on the site during the course of any given day, with a maximum of 7 persons on site per shift. The Applicant requests hours of operation from 6:00 AM to 11:00 PM seven days per week. At the Blend, customers will order at the counter and then take their meal to the dining room seating area. The Blend also proposes to incorporate carry-out service for patrons as well as one delivery vehicle for delivery service in the local vicinity. Parking for the restaurant is accommodated fully on the shopping center site in the surface parking lot.

The Blend looks forward to offering a diverse selection of international foods and becoming a part of the Alexandria community in this vibrant Arlandria neighborhood.

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):

- a new use requiring a special use permit,
- an expansion or change to an existing use without a special use permit,
- an 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).
200 patrons per day

B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
14 employees per day, with a maximum of 7 persons per shift

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

Day: <u>7 days per week</u>	Hours: <u>6:00 am to 11:00 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.
No noise is expected to emanate from the interior of the restaurant.

B. How will the noise be controlled?
N/A

