

EXHIBIT NO. 1

4
1-12-08

Docket Item #4
SPECIAL USE PERMIT # 2007-0116

Planning Commission Meeting
January 3, 2008

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

APPLICANT: Walter Lozano

STAFF: Richard Bray
richard.bray@alexandriava.gov

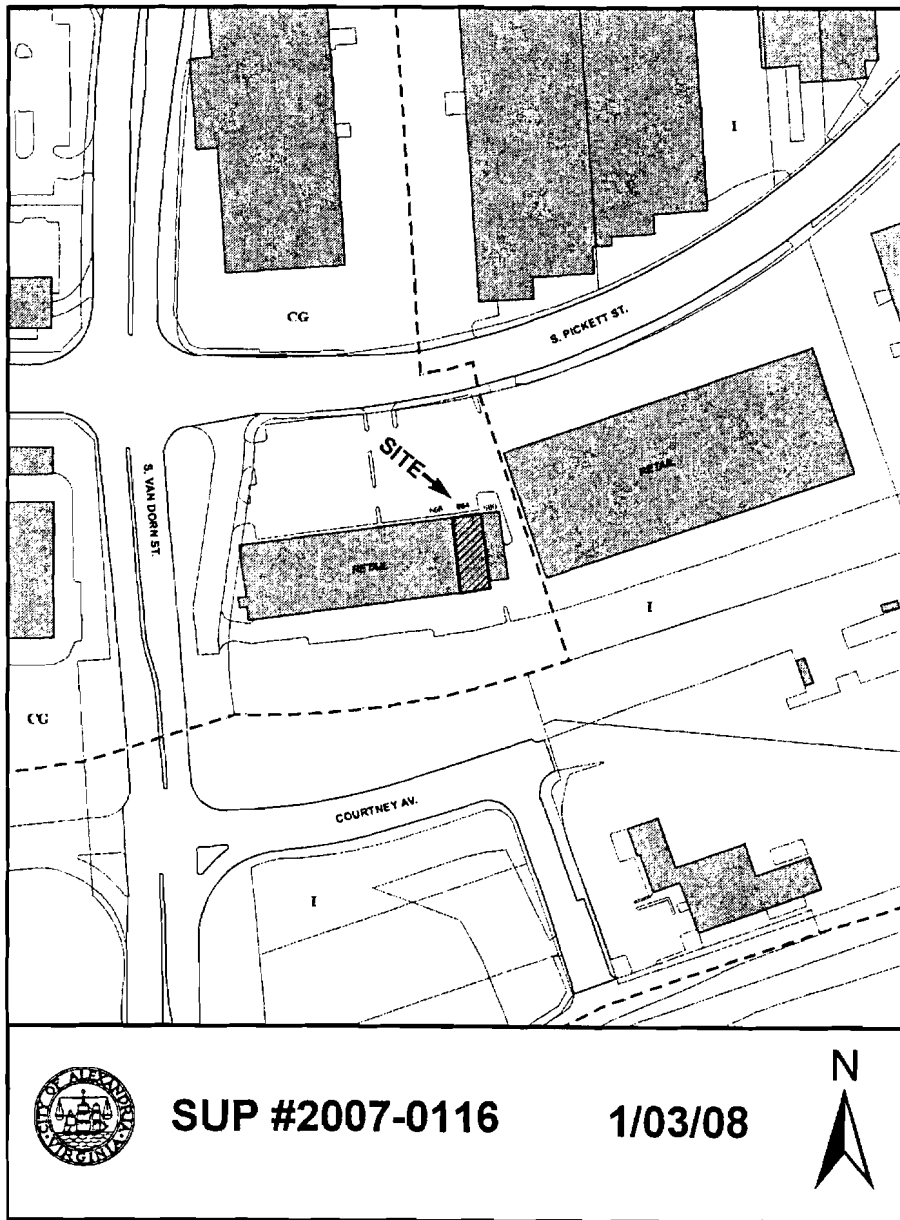
LOCATION: 664 S Pickett Street (Parcel Address 660 S. Pickett Street)

ZONE: CG/Commercial General

PLANNING COMMISSION ACTION, JANUARY 3, 2008: 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 #2007-0116

1/03/08



I. DISCUSSION

REQUEST

The applicant, Walter Granados-Lozano, requests amendments to a special use permit for the operation of a restaurant located at 664 South Pickett Street.

SITE DESCRIPTION

The subject property is a 1,630 square foot tenant space located in Pickett Plaza. Pickett Plaza is one lot of record with 240 feet of frontage on South Pickett Street, 325 feet of frontage on South Van Dorn Street and a total lot area of 102,282 square feet. The site is developed with a shopping center. Access to the property is from South Pickett Street.

The surrounding area is occupied by a mix of commercial and industrial uses. Immediately to the north is a moving and storage company warehouse. To the south is the Virginia Paving asphalt operation. To the east is a shopping center and to the west is a self storage facility.



BACKGROUND

On June 3 2003, City Council granted Special Use Permit #2003-0039 for the operation of a restaurant in the subject tenant space. On February 1, 2006, staff administratively approved Special Use Permit #2005-0134, a change of ownership for the restaurant. On March 26, 2007 staff administratively approved Special Use Permit #2007-0021, a change of ownership for the restaurant.

On November 29, 2007, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

PROPOSAL

The applicant proposes to increase the hours of operation of the current restaurant. There are no other changes proposed.

Hours: Current: 12:00 pm – 1:00 am, daily
 Proposed: 11:00 am – 2:00 am, daily

Number of seats: 78, no change

Noise: This is an industrial and commercial area of town, there are no noise impacts anticipated

Trash/Litter: Trash is collected twice a week, this has proven sufficient. There are trash cans on the property to control litter.

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 78 seats will be required to provide 20 off-street parking spaces. Pickett Plaza provides sufficient parking to meet the required parking

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG, Commercial General zone. Section 4-403(Y) of the Zoning Ordinance allows a restaurant 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 retail and service uses.

II. STAFF ANALYSIS

Staff supports the amendment for extended hours for this restaurant. There have been no complaints at the property and the neighborhood is primarily industrial. Staff feels that a closing hour of 2:00 am would be appropriate given the late hours allowed at Nick's Restaurant at 642 South Pickett Street. Although the applicant requests an opening hour of 11:00 am, staff is recommending 8:00 am to give the applicant flexibility in operations.

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) (SUP2003-0039)
2. No more than 78 seats may be provided. (P&Z) (SUP2003-0039)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP2003-0039)

4. Live entertainment may be provided. (P&Z) (SUP2003-0039)
5. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to ~~12:00 noon~~ 8:00 am to ~~1:00 am~~ 2:00 am daily. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP2003-0039)
7. On site alcohol service is permitted. No off-premise alcohol sales are permitted. (P&Z)(SUP2003-0039)
8. No food, beverages, or other material shall be stored outside. The applicant shall be permitted to store two 50 to 75 gallon cooking oil drums directly behind the restaurant adjacent to the rear stairs. These drums shall be covered by a lid at all times. (P&Z)(SUP2003-0039)
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)(SUP2003-0039)
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)(SUP2003-0039)
11. No equipment including kitchen equipment shall be cleaned outside, nor shall any cooking residue or any other waste be washed onto the streets, sidewalks, alleys, or into storm sewers. (T&ES)(SUP2003-0039)
12. 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)(SUP2003-0039)
13. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise will be audible at the property line. (T&ES)(SUP2003-0039)
14. **CONDITION AMENDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all SUP provisions and requirements and on how to prevent underage sales of alcohol. (P&Z)

15. 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)(SUP2003-0039)
16. 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 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)
17. The new applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery awareness program for all employees. (Police)(SUP2005-0134)
18. **CONDITION ADDED 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)
19. **CONDITION ADDED BY STAFF:** Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
20. **CONDITION ADDED BY STAFF:**The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (P&Z)

STAFF: Faroll Hamer, Director, Department of Planning and Zoning
Richard Josephson, Deputy Director, Department of Planning and Zoning;
Richard Bray, 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 Carry over conditions from SUP2007-00021. (T&ES)
- R-2 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 City Council approval. (T&ES)
- R-3 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 Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C-2 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).

Code Enforcement:

- F-1 No Comment

Health Department:

- F-1 No Comment

Parks & Recreation:

- F-1 No Comment

Police Department:

- F-1 The applicant is seeking an “ABC On” license only. The Police Department has no objections.

- F-2 The Police Department has no objections to the amendment to expand the hours of operation from 12:00 p.m. – 1:00 a.m. to 11:00 a.m. – 2:00 a.m.

- F-3 The Police Department requests that the SUP is reviewed after one year to ensure applicant is compliant with Planning and Zoning recommendations and that the extended hours has not caused an increase in nuisance crime.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0116
2007-0021

Parcel Add. 660 S Pickett St

PROPERTY LOCATION: 664 S Pickett Street Alexandria VA

TAX MAP REFERENCE: 67-00.02.08.01 **ZONE:** C9

APPLICANT:

Name: Walter A. Granados-Lozano

Address: 664 S Pickett Street Alexandria VA 22304

PROPOSED USE: _____

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.

EL TIPICO Restaurant
Print Name of Applicant or Agent

[Signature] 10-25-07
Signature Date

664 S Pickett Street
Mailing/Street Address

703-370-3581 703-370-3582
Telephone # Fax #

Alexandria VA 22304
City and State Zip Code


Email address

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

3007-0116
SUP # 2007-0021

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 664 South Pickett Street, I hereby
(Property Address)
grant the applicant authorization to apply for the Special Use Permit use as
(use)
described in this application.

Name: Pauline J. Zarpas Phone: 501-948-2674
Please Print
Address: 7609-D Airpark Rd. Gaithersburg, MD Email: bzarpas@snzre.com
20879
Signature:  Date: 10-25-07
660-684 South Pickett Street, LLC (Manager)

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.

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.

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.)

We would like to request a change in our hours of operations from the current time of 12 pm - 1 AM to the hours of 11 AM to 2 AM. We would really appreciate the considerations of the new changes.

Thank you very much
Walter A Granadas-Lozano

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).

at lunch time about 25 to 40 people and
for dinner between 20 and 35 clients

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

mornings hours 4, and evening hours 6

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

Day: 11 am to 1:30 pm Hours: 14:30

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

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

no need of noise as anticipated

B. How will the noise be controlled?

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

NONE

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? (i.e. office paper, food wrappers)

PAV to FOLC buy OR truck driver, food waste papers + bottles OR beers

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

2 ton a week

C. How often will trash be collected?

2 Times a week

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

We won't have any problem with that

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 nearby residents, employees and patrons?

N.A.

ALCOHOL SALES

13.

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

Yes [] No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

Beer

PARKING AND ACCESS REQUIREMENTS

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

- _____ Standard spaces
- _____ Compact spaces
- _____ Handicapped accessible spaces.
- _____ Other.

Total spaces 119 per SUP 2007-0039

Planning and Zoning Staff Only
Required number of spaces for use per Zoning Ordinance Section 8-200A _____
Does the application meet the requirement?
<input type="checkbox"/> Yes <input type="checkbox"/> No

B. 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?

PLEASE NOTE: 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.

C. 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.

Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? 1

Planning and Zoning Staff Only
Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____
Does the application meet the requirement?
<input type="checkbox"/> Yes <input type="checkbox"/> No

B. Where are off-street loading facilities located? Rear of restaurant

C. During what hours of the day do you expect loading/unloading operations to occur?
9:00 am - 10:30 am

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
3 times a 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?

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?

1630 sq. ft. (existing) + _____ sq. ft. (addition if any) = 1630 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: Pickett Plaza

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

other. Please describe: _____

End of Application

SUP # 2007-0116
Admin Use Permit # _____



SUPPLEMENTAL APPLICATION



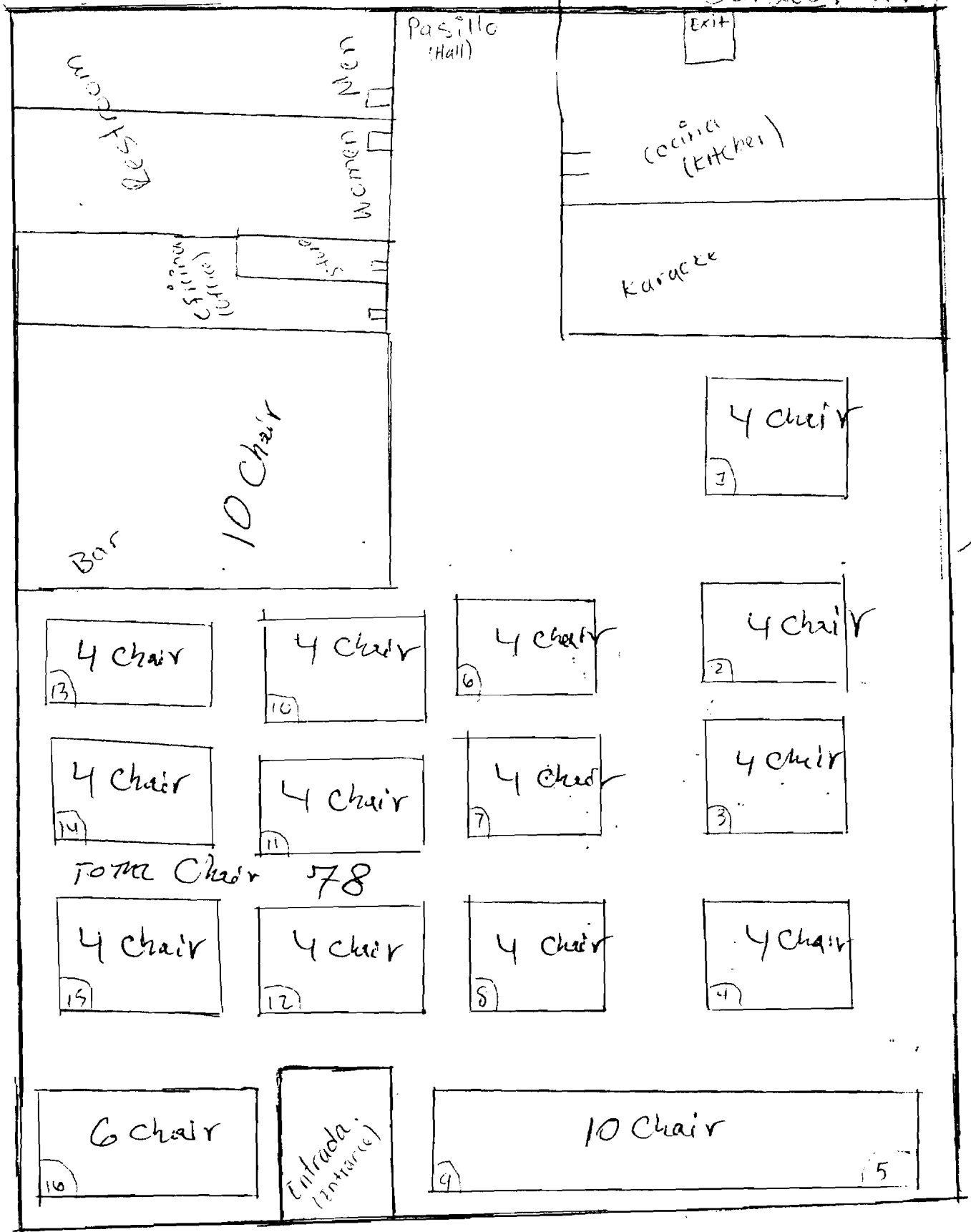
All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

- How many seats are proposed?
Indoors: 78 Outdoors: 0 Total number proposed: 78
- 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
- Please describe the type of food that will be served:
Mexican, Salvadorian, Bolivian

- The restaurant will offer the following service (check items that apply):
 table service bar carry-out _____ delivery
- 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?

- Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
 Yes _____ No
If yes, please describe:
Karaoke M, Tu, F, Sat

SUP 2007-0116



Waffles

Men
Women

Pasillo (Hall)

Exit

Cocina (Kitchen)

Karaoke

Entrada (Entrance)

Entrada

Bar

10 Chair

4 chair
1

4 chair
13

4 chair
10

4 chair
6

4 chair
2

4 chair
14

4 chair
11

4 chair
7

4 chair
3

TOTAL Chair 78

4 chair
15

4 chair
12

4 chair
8

4 chair
4

6 chair
16

Entrada (Entrance)

10 Chair
9 5

22 FT

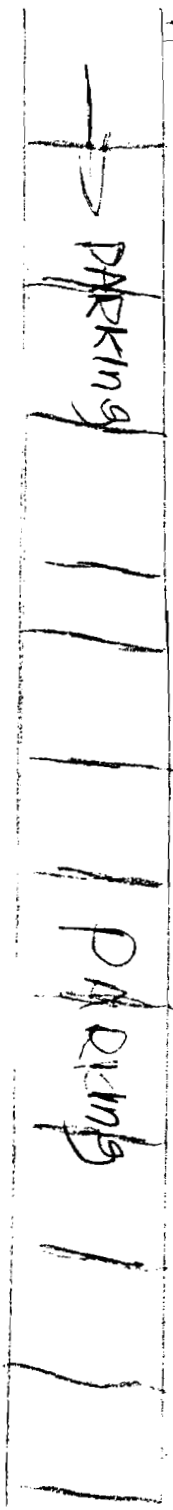
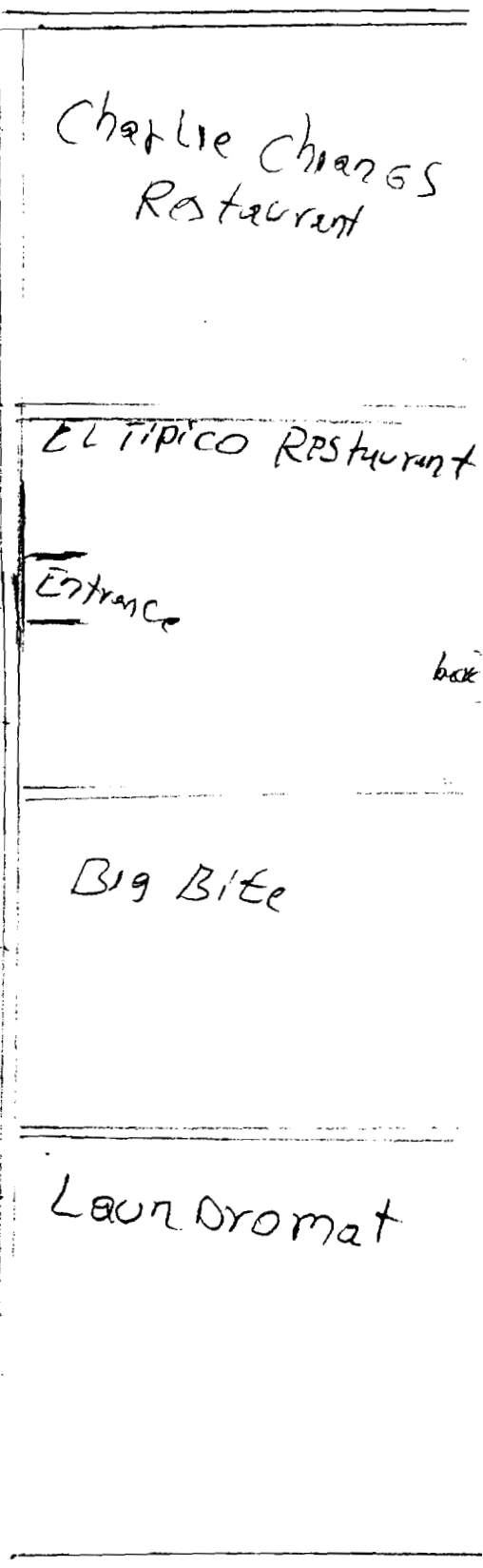
El Tipico Restaurant.

18

11 F

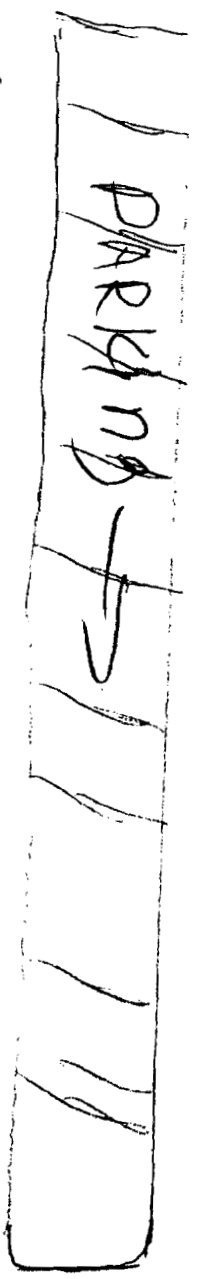
S VAN DORN ST

PICKETT Street Plaza

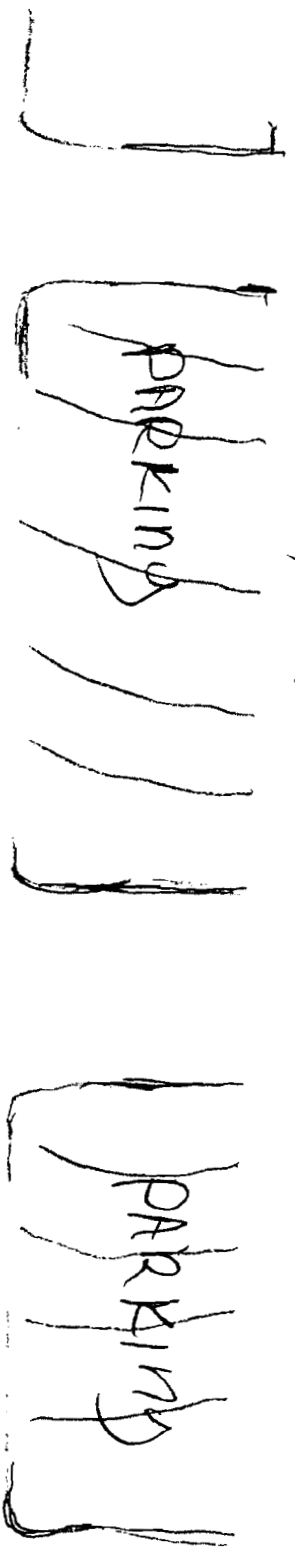


Drive way →

SUPPLY DRIVE



Drive way →



S PICKETT ST



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # ²⁰⁰⁷⁻⁰¹¹⁶ ~~2007-0021~~
Parcel No. 660 S. HICKETT ST

PROPERTY LOCATION: 664 S pickett Street Alexandria VA

TAX MAP REFERENCE: 67-00.02.08.01 ZONE: C9

APPLICANT:
Name: Walter A. Granados-Lozano

Address: 664 S pickett Street Alexandria VA 22304

PROPOSED USE: _____

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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.

EL TIPICO Restaurant
Print Name of Applicant or Agent

[Signature] 10-25-07
Signature Date

664 S pickett Street
Mailing/Street Address

703-370-3581 703-370-3582
Telephone # Fax #

Alexandria VA 22304
City and State Zip Code

Email address

By unanimous consent, recommended approval 6-0 1-3-08
ACTION-PLANNING COMMISSION: _____ DATE: _____
ACTION-CITY COUNCIL: CC approved PC recommendation 1/12/08
DATE: _____