

EXHIBIT NO. 1

11
9-15-07

Docket Item #10
SPECIAL USE PERMIT #2007-0070

Planning Commission Meeting
September 6, 2007

ISSUE: Consideration of a request for a special use permit to operate a catering business.

APPLICANT: Barrett, LTD t/a Barrett's of Alexandria
by Duncan W. Blair, Esquire

STAFF: Richard Bray
Richard.bray@alexandriava.gov

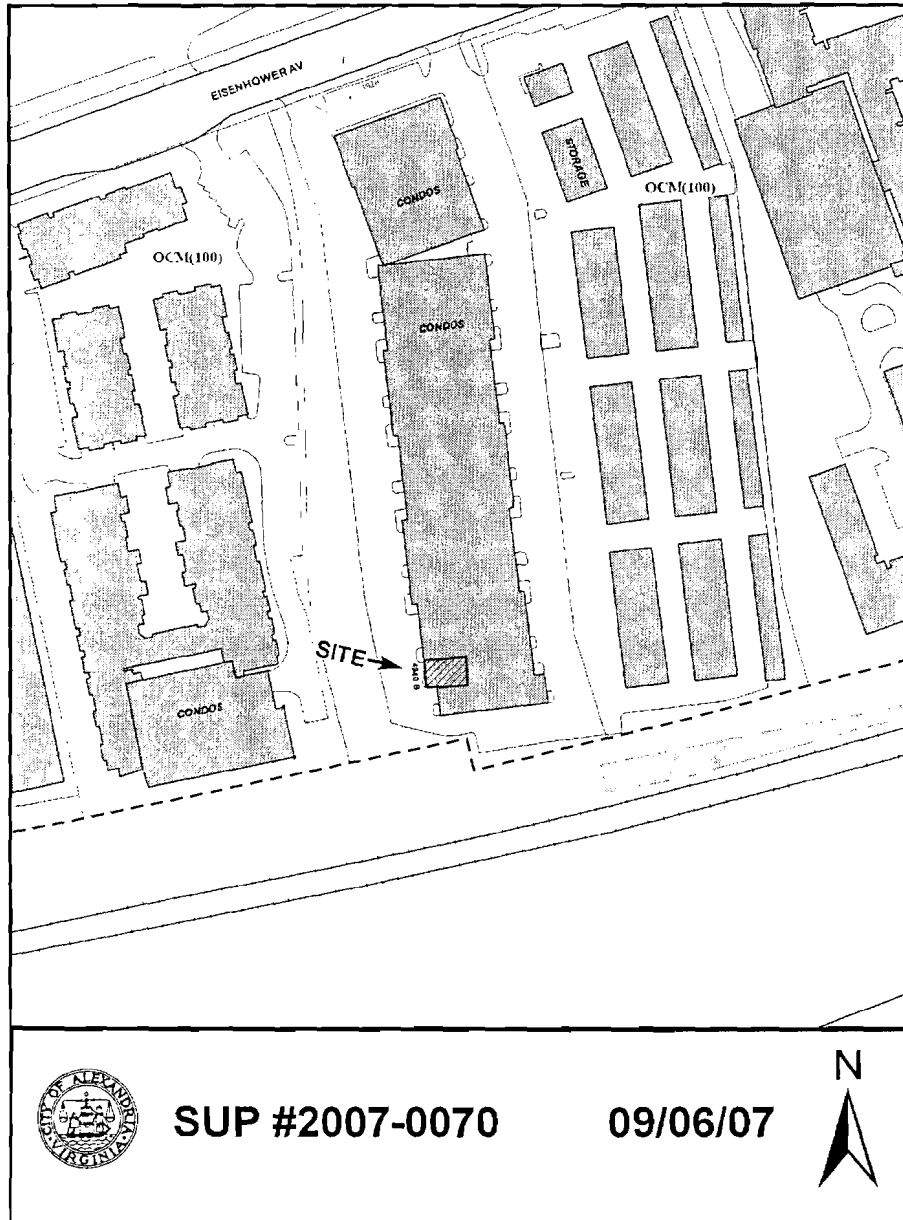
LOCATION: 4940-B Eisenhower Avenue

ZONE: OCM(100)/Office Commercial Medium

PLANNING COMMISSION ACTION, SEPTEMBER 6, 2007: 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.



I. DISCUSSION

REQUEST

The applicant, Barrett's of Alexandria, requests special use permit approval for the operation of a catering business located at 4940-B Eisenhower Avenue.

SITE DESCRIPTION

The subject property is part of one lot of record with 455 feet of frontage on Eisenhower Avenue, a depth of approximately 795 feet and a total lot area of 8.529 acres. Access to the property is from Eisenhower Avenue. The site is developed according to Site Plan #80-0032, with the 'Build America Six' Industrial Park, a one-story warehouse with 150,000 square feet of floor area, 335 parking spaces, and more than 40 units, occupied by a variety of retail, light industrial/manufacturing,



auto repair, storage and restaurant uses. The 1,800 square foot space is located on the southwest rear portion of the building, and is currently occupied by a retail grocery store, owned and operated by the applicant.

The site is surrounded by commercial, industrial, auto related, storage, and residential uses. The railroad tracks abut the site to the south, an office building is located on the north side of Eisenhower Avenue, a self-storage lot is adjacent to the warehouse complex to the east and multi-family residential buildings to the west.

BACKGROUND

In June of 2004, the space was approved for the operation of a retail grocery store with food preparation as an accessory use to the retail use for special events only. The applicant proposes to operate a catering business from this location. Upon inspection, the retail grocery, owned by the applicant, is currently still in operation at this location.

PROPOSAL

Specific aspects of the catering business are as follows:

- Hours: 7:00 A.M. – 6:00 P.M., daily
- Noise: No noise impacts are anticipated.
- Trash/Litter: Cardboard delivery boxes and from general catering service operations (product remnants). Trash and garbage will be deposited and stored in trash containers at the rear of the property until collected by a commercial collector at least 5 days a week.

PARKING

According to Section 8-200(A)(17) of the Zoning Ordinance, a catering business requires one parking space for every 400 square feet of space. The proposed catering business will require four off-street parking spaces. Per the submitted plan and inspection of the property, four parking spaces are reserved for the tenant.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the OCM(100), Office Commercial Medium (100) zone. Section 4-1003(AA) of the Zoning Ordinance allows a catering operation in the OCM(100) 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 supports the change of use from retail grocery store to catering. The catering business will not negatively impact the surrounding businesses and is compatible with the surrounding commercial uses.

Therefore, staff recommends approval of the special use permit to operate a catering business.

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 catering business shall be limited to between 7:00 A.M. and 10:00 P.M., daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. No alcohol service is permitted. (P&Z)
5. No food, beverages, or other material shall be stored outside. (P&Z)
6. Litter on the site and on the public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day 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)
7. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into streets, alleys or storm sewers. (T&ES)
8. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in 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)
9. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by Transportation & Environmental Services. (T&ES)
10. 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)
11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)

12. 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)
13. 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)
14. 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)
15. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. This is to be completed prior to commencing the catering operation. (Police)
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 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: 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 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 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.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line.
- R-4 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.
- R-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.
- R-6 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.
- R-7 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.

- 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:

- C-1 The current use is classified as M (Mercantile); the proposed use is B (Business). Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 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 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 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-7 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-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 Department:

- F-1 No comments.

Parks and Recreation:

- F-1 No comments.

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 robbery readiness training for all employees.
- F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs.
- F-2 The Police Department has no objections to the full service off-premise catering request by the applicant.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0070

PROPERTY LOCATION: 4940 B Eisenhower Avenue, Alexandria, Virginia
TAX MAP REFERENCE: 068.04 0B 39 **ZONE:** OCM-100

APPLICANT

Name: Barrett Ltd., t/a Barrett's of Alexnadria
Address: 4940 B Eisenhower Avenue, Alexandria, Virginia 22304

PROPERTY OWNER

Name: Susan Barrett
Address: 8532 Washington Avenue, Alexandria, Virginia 22309

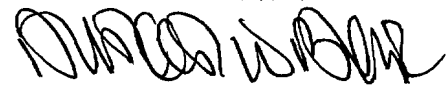
PROPOSED USE: Special Use Permit for catering operation (Section 4-1003(E) of the Alexandria Zoning Ordinance, 1992, as amended).

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.

Land, Clark, Carroll, Mendelson & Blair, P.C.
Duncan W. Blair, Esquire
Print Name of Applicant or Agent
524 King Street
Mailing/Street Address
Alexandria, Virginia 22314
City and State Zip Code


Signature
703 836-1000 703 549-3335
Telephone # Fax #
dblair@landclark.com
Email address
June 27, 2007
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

SUP # 2007-0070



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.

Susan Barrett is the business owner and president of Barrett Ltd., t/a
Barrett's of Alexandria, 4940B Eisenhower Avenue, Alexandria, Virginia 22304.

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.
- See attached floor plan of existing facility.

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, including 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)

Barrett's of Alexandria operated as a full service off-premises catering business in Old Town for twenty years. In 2004 Barrett's of Alexandria moved to Eisenhower Avenue and opened a grocery selling prepared meals and baked goods and a gift store with the expectation that the new residential development in the West Eisenhower Avenue would support our new endeavor. Unfortunately, the grocery store has not generated enough income to support the business and we find ourselves needing to return to the rigors of catering to survive.

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).

Three employees a day.

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

Three employees a day.

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

Day:

Hours:

Monday - Sunday

7:00 A.M. - 6:00 P.M.

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

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

It is not anticipated that noise levels will exceed permitted levels under the Alexandria City Code.

B. How will the noise from patrons be controlled?

It is not anticipated that patron noise will be a source of complaints; as such, no extraordinary noise mitigation and control measures are warranted.

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

It is not anticipated that offensive odors will emanate from the use of the property as a catering service. All cooking equipment will be equipped with an exhaust system filtering and venting to the exterior of the building in accordance with City regulations.

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?

The type of volume of trash and garbage generated by the catering service will be mainly refuse from products received (i.e. cardboard delivery boxes) and from general catering service operations (product remnants). Trash and garbage will be deposited and stored in trash containers in the back yard area until pick up on the street.

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

The volume of trash and garbage generated by the catering service is approximately one trash can per day.

C. How often will trash be collected?

It is anticipated that trash and garbage will be collected by a commercial collector at least five (5) days a week.

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

Litter is not an anticipated problem; however, the restaurant's staff will self-police and maintain the adjacent right-of-way.

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:

Small quantities of organic compounds, generally recognized to be appropriate for use by catering services in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

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:

Small quantities of organic compounds, generally recognized to be appropriate for use by catering services in the operation of the business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

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

The location and hours of operations of the catering service should provide a safe environment for its patrons and staff. No extraordinary security measures will be required.

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?

Four (4).

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

 4 Standard spaces

 Compact spaces

 Handicapped accessible spaces.

 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? **One.**

B. How many loading spaces are available for the use? **None.**

C. Where are off-street loading facilities located? **In front of the front door.**

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

Daily as required.

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

Daily as required.

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?

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? N/A square feet.

18. What will the total area occupied by the proposed use be?

1,800 sq. ft. (existing) + _____ sq. ft. (addition if any) = 1,800 sq. ft. (total)

19. The proposed use is located in: *(check one)*

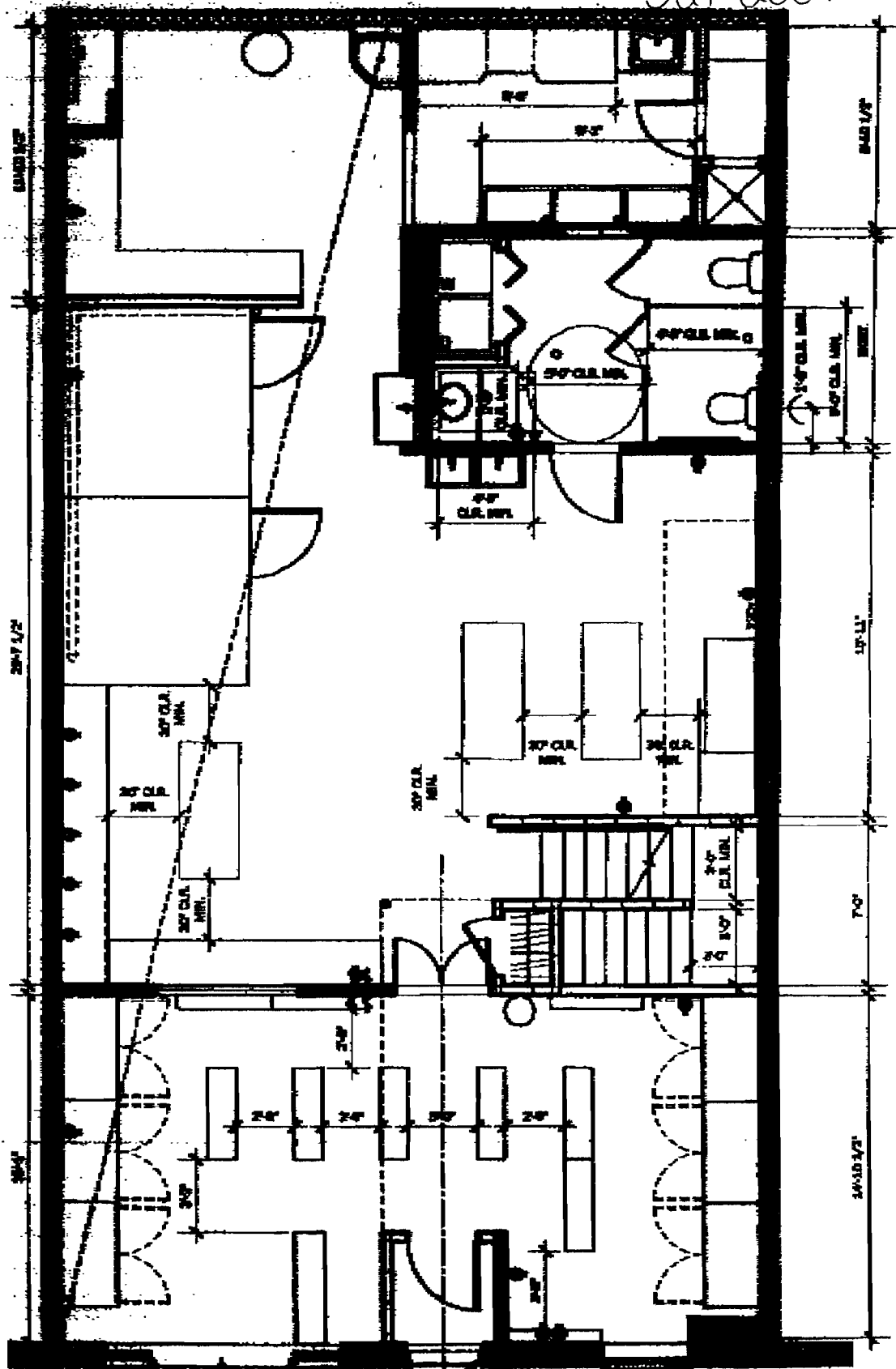
a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

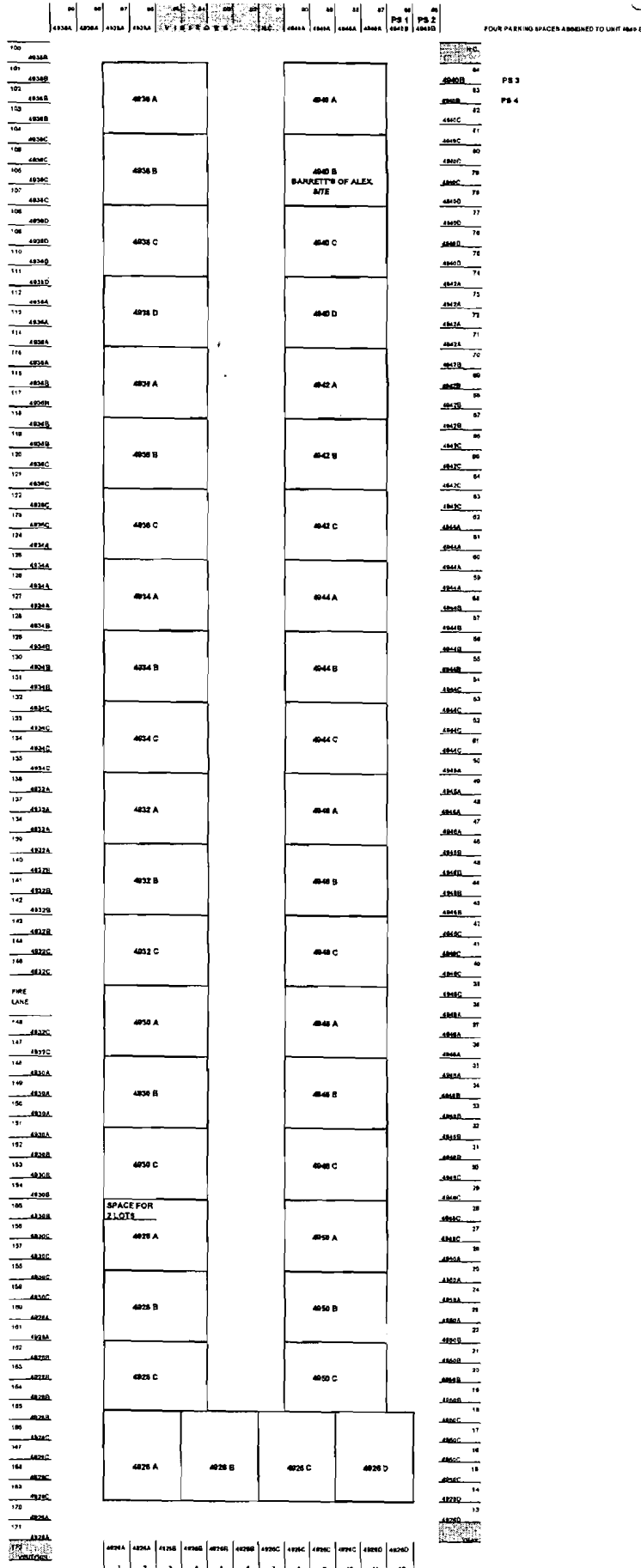
an office building. Please provide name of the building: _____

other, please describe:

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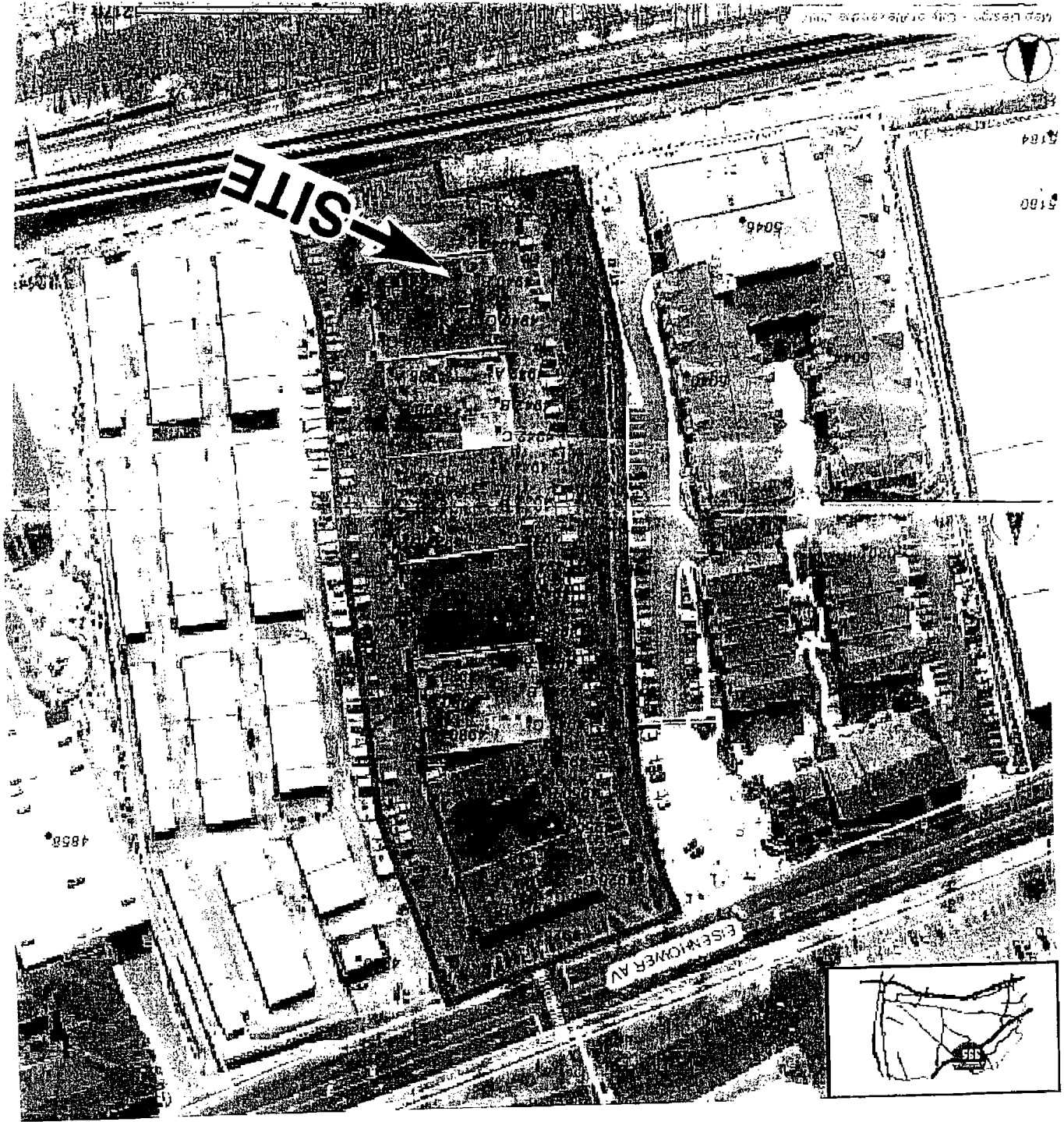


4929A	4929B	4929C	4929D	4929E	4929F	4929G	4929H	4929I	4929J	4929K	4929L	4929M	4929N	4929O	4929P	4929Q	4929R	4929S	4929T	4929U	4929V	4929W	4929X	4929Y	4929Z
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

EISEN-OWER AVENUE

18

19



SUPD007-0070



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0070

PROPERTY LOCATION: 4940 B Eisenhower Avenue, Alexandria, Virginia
TAX MAP REFERENCE: 068.04 0B 39 **ZONE:** OCM-100

APPLICANT

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Address: 4940 B Eisenhower Avenue, Alexandria, Virginia 22304

PROPERTY OWNER

Name: Susan Barrett
Address: 8532 Washington Avenue, Alexandria, Virginia 22309

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Land, Clark, Carroll, Mendelson & Blair, P.C.
Duncan W. Blair, Esquire

Print Name of Applicant or Agent
524 King Street
Mailing/Street Address
Alexandria, Virginia 22314
City and State Zip Code

Signature
703 836-1000 703 549-3335
Telephone # Fax #
dblair@landclark.com
Email address
June 27, 2007
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: \$ _____
ACTION - PLANNING COMMISSION: by unanimous consent, recommended approval 9-6-07
ACTION - CITY COUNCIL: 9/15/07 - CC approved PC recommendation 7-0