

EXHIBIT NO.

1

4

11-19-07

Docket Item #4

SPECIAL USE PERMIT #2007-0099

Planning Commission Meeting

November 8, 2007

ISSUE: Consideration of a request for a special use permit to extend the days and hours of operation of an existing restaurant.

APPLICANT: Kun Yong Ha

STAFF: Allison Anderson
Allison.anderson@alexandriava.gov

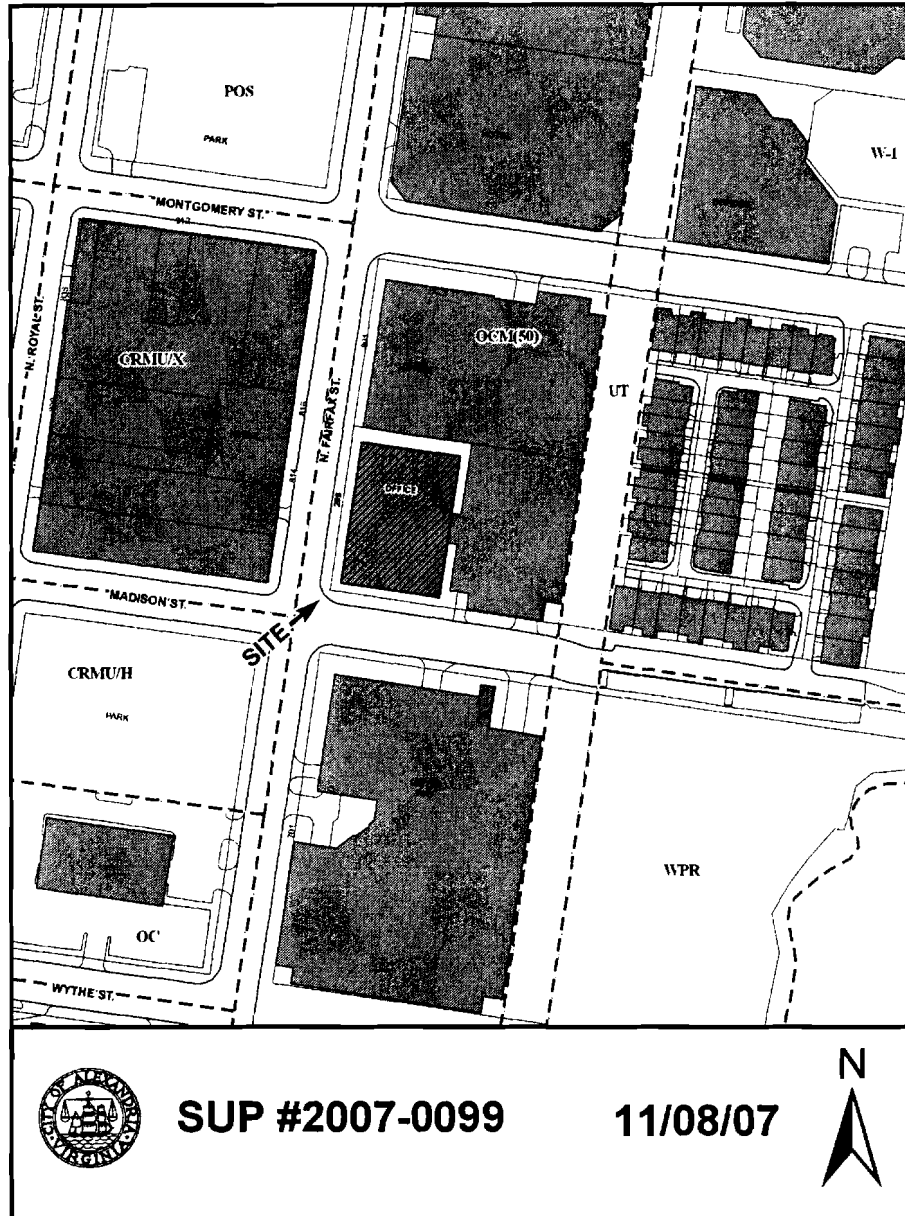
LOCATION: 209 Madison Street unit 100

ZONE: OCM(50)/Office Commercial Medium

PLANNING COMMISSION ACTION, NOVEMBER 8, 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, Kun Yong Ha, requests special use permit approval for expanded hours for a restaurant located at 209 Madison Street.

SITE DESCRIPTION

The subject property is one lot of record with 420 feet of frontage on Madison Street, 175 feet of depth and a total lot area of 44,361 square feet. The site is developed with an office building. Access to the property is from Madison Street and North Fairfax Street.

The surrounding area is occupied by a mix of office, residential, and retail uses. Immediately to the north and south are office buildings. To the east and west are the Montgomery Center and the Rivergate Townhomes.



BACKGROUND

On June 13, 1987 City Council granted Special Use Permit #2005 to 171 Eldon Inc., t/a Waterfront Cafe, to operate a 52 seat restaurant within the office building known as the Allen Building at 209 Madison Street. On March 21, 1992 City Council granted Special Use Permit #2005-A for a change in ownership of the restaurant to Yeong Chan Lee and Yeong Lee. An administrative change of ownership, SUP #2005B, was granted to Hwang Mun Lee and Jung Sook Lee on May 18, 1993. On October 1, 2007 an administrative change of ownership, SUP #2007-0091, was granted to Sangho, Inc by Kun Yong Ha.

On October 17, 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 extend the hours of operation of the existing restaurant by opening one hour earlier Monday through Friday. The current hours are 8:00am to 5:00pm and the applicant is proposing 7:00am to 5:00pm. The applicant is also proposing Saturday operations, from 7:00am to 5:00pm.

Hours: Monday -- Friday, 7:00am -- 5:00pm
Saturday, 7:00am -- 5:00pm

Number of seats: 52

Noise: A high level of noise is not anticipated

Trash/Litter: Waste from the restaurant is anticipated to be typical for this use, food, paper, etc. and will be stored in a dumpster on site. Trash is picked up daily.

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires 4 parking spaces for every four (4) seats. A restaurant with 52 seats will be required to provide 13 off-street parking spaces. The parking for this building is provided in a parking garage on site which contains 465 spaces, therefore the parking requirement has been met.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the OCM(50) zone. Section 4-903 of the Zoning Ordinance allows a restaurant in the OCM(50) zone only with a special use permit.

The proposed use is consistent with the Old Town North Small Area Plan chapter of the Master Plan which designates the property for mixed use.

II. STAFF ANALYSIS

Staff is supportive of the increase in hours for the restaurant. The restaurant is located in an office building and will have little negative impact on nearby residential areas. On site parking is plentiful and shouldn't impact on-street parking availability for businesses in the nearby Montgomery Center. This restaurant is not a destination restaurant and will primarily be serving people from the Allen Building, the Health Club and nearby residential areas. There is a paid parking garage available on site for those few patrons who drive to the restaurant. The garage is free on the weekends and after 6:30pm weekdays.

The applicant has stated that several patrons have encouraged them to extend their hours as well as open for business on Saturdays. The building houses a health club whose members will likely be patronizing the establishment. Staff is recommending approval for the same hours as the health club to provide the greatest flexibility for the applicant.

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. **CONDITION AMMENDED:** The hours during which the business is open to the public shall be restricted to between 7:00am and 10:00 pm, Monday through Friday, and 7:00am – 7:00pm, Saturday and Sunday 8:00 A.M. and 5:00 P.M., Monday through Friday, as requested by the applicant. (P&Z)
2. Seating shall be provided inside for no more than 44 patrons and outside for no more than eight (8) patrons. (P&CD) (SUP #2005-A)
3. **CONDITION ADDED:** 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)
4. **CONDITION ADDED:** 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)
5. No food, beverages, or other materials shall be stored outside. (P&CD) (SUP #2005-A)
6. Trash and garbage shall be stored inside or in a dumpster. (P&CD) (SUP #2005-A)
7. Trash and garbage shall be collected three (3) times per week when the business is open. (P&CD)(SUP #2005-A)
8. No music or loudspeakers shall be located in the outside dining areas. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (P&Z) (SUP2007-0091)
9. When outside dining facilities are provided on-site, litter shall be picked up as it is generated, and the outside dining area shall be scrubbed and washed down at the close of each day of operation. (P&CD) (SUP #2005-A)
10. The applicant shall post the hours of operation at the entrance to the restaurant. (P&CD) (SUP #2005-A)
11. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has controlling interest. (P&CD) (SUP #2005B)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP2007-0091)

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) (SUP2007-0091)
14. 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) (SUP2007-0091)
15. 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) (SUP2007-0091)
16. 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) (SUP2007-0091)
17. 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) (SUP2007-0091)
18. 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 and a robbery readiness training for all employees. (Police) (SUP2007-0091)
19. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP2007-0091)
20. The applicant shall comply with any requirements adopted as part of a smoke-free restaurant ordinance. (P&Z) (SUP2007-0091)

21. **CONDITION ADDED:** 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;
Allison Anderson, 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. (T&ES)
- 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. (T&ES)
- R-3 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-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. (T&ES)
- 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. (T&ES)
- 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. (T&ES)
- 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. (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 and Recreation:

- F-1 No Comment

Police Department:

- F-1 The Police Department has no objections to the newly proposed daily business hours of operation (7:00 – 5:00 pm Monday thru Friday).
- F-2 The Police Department has no objections to the business operating on Saturdays from 7:00 – 5:00 pm.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0099

PROPERTY LOCATION: 209 Madison ST. Alex, VA 22314

TAX MAP REFERENCE: 55.03-02-01.52 ZONE: acm(50)

APPLICANT:

Name: Kun Yong Ha

Address: 17905 Mount Woodley PL. Alex VA 22306

PROPOSED USE: DELI / 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.

Kun Yong Ha
Print Name of Applicant or Agent
17905 MT. Woodley PL. Alex VA 22306
Mailing/Street Address
Alexandria VA, 22306
City and State Zip Code

[Signature]
Signature
8/20/07
Date
(703) 360-2720
Telephone #
JKlemeshewsk@fcps.edu
Fax # Email address

ACTION-PLANNING COMMISSION: _____ DATE: _____

ACTION-CITY COUNCIL: _____ DATE: _____

FROM :

FAX NO. :

Oct. 19 2006 03:23PM P2

SUP # 20070099**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 209 MADISON STREET, ALEXANDRIA, VA. 22314 hereby
 (Property Address)

grant the applicant authorization to apply for the DELI/RESTAURANT - EXTENDED HOURS AS FOLLOWS:
 (Use) MON - FRIDAY 7AM - 5PM
SATURDAY 7AM - 5PM
SUNDAY CLOSED

Name: WATER FRONT INVESTMENT GROUP, LLC Phone 703-876-9590

Please Print: C/O GATES HUDSON & ASSOCIATES, INC.

Address: 3020 HANNAH CT, SUITE 301, FAIRFAX, VA 22031 Email: _____

Signature: [Signature] Date: 9/4/07

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.

N/A

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.)

I, Kun Yong Ha, owned this business since July 31st, 2007. We opened up the store on Aug. 17th, 2007. From our customers, we have heard that we should also open on Saturdays from 7:00 ~ 5:00pm. There are a lot of people around our store and also many people come from spas and exercise on Saturdays. The store was open from 8:00 ~ 5:00pm before. But, we would like to add one more hour and expand it to seven. We would like to open the store from 7:00 ~ 5:00pm from Mon-Friday.

<u>Daily hours before</u>	<u>Newly requested</u>
8:00 - 5:00pm (Mon-Fri)	<u>Daily hours</u>
Sat. and Sundays Closed	7:00 - 5:00pm (Mon-Fri)
	7:00 - 5:00pm (Sat.)
	Sunday (closed)

Please consider these requests and
12 thank you

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: More increase in business hours

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).

Saturday - About 50 people

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

One more employee

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

Day:

Monday - Friday
Saturday

Hours:

7:00 am - 5:00 pm
7:00 ~~am~~ - 5:00 pm

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

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

Not much of a noise, soft noise.
Almost not at all.

- B. How will the noise be controlled?

Don't disturb people to create an
louder noise. Make customers happy.

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

Not much of odors. But, incase of a food odor, we have a hood (Fan) on the grill that will soak up the odor.

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)

waste from food, food wrappers, and we will take the grease or left over oil to home and put in a special trash service. We will put other trashes like waste from food, food wrapper and etc. in a dumpster next to the store.

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

Three bags per day

- C. How often will trash be collected?

Everyday

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

Having trash cans nearby

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?

SPRINKLER SYSTEM TO PREVENT FIRE

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.

PARKING AND ACCESS REQUIREMENTS

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

300 Standard spaces
150 Compact spaces
15 Handicapped accessible spaces.
 _____ Other.

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

- 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? 5

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

B. Where are off-street loading facilities located? _____

on the side of the building

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

In the mornings.

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

once a month, and every week we
shop for food, so we unload every week by ourselves

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?

NO

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?

1,809 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1,809 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: _____

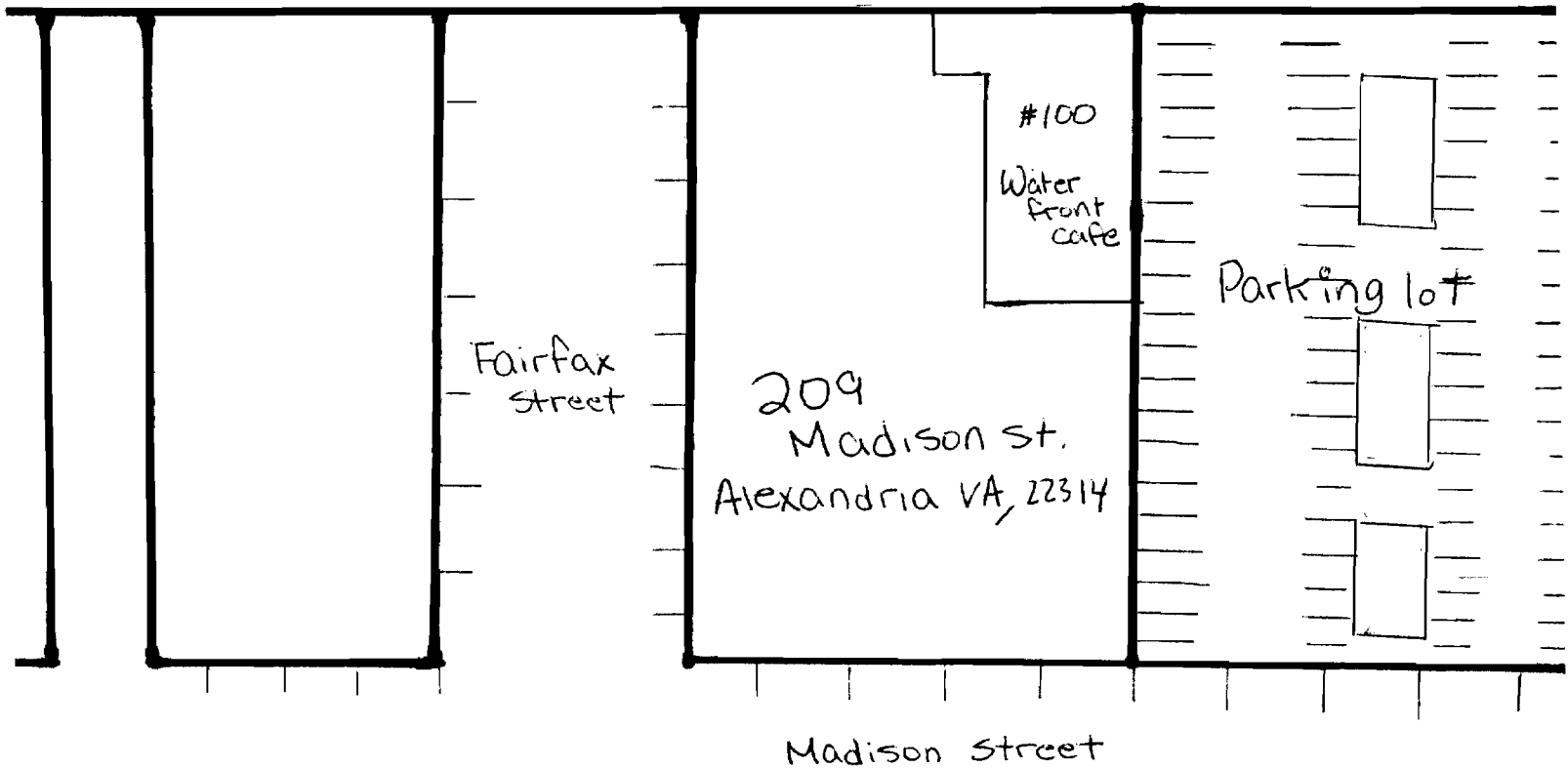
☒ an office building. Please provide name of the building: Gates, Hudson, & Associates, INC.

☐ other. Please describe: _____

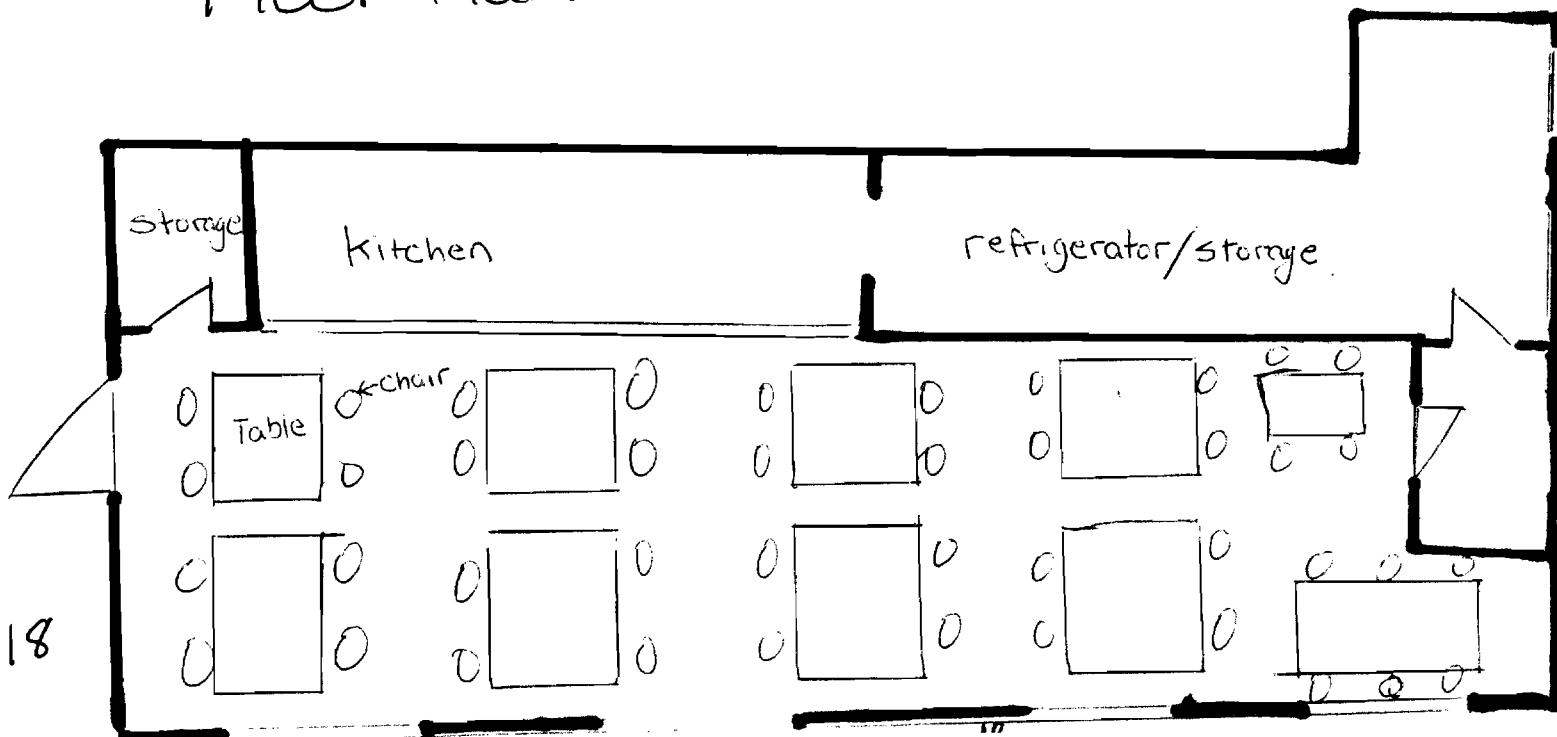
End of Application

SUP2007-0099

Map



Floor Plan





APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0099
#100

PROPERTY LOCATION: 209 Madison ST Alex, VA 22314

TAX MAP REFERENCE: 55.03-02-01.52 ZONE: OCM(50)

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<u>Kun Yong Ha</u>	<u>[Signature]</u>	<u>8/20/07</u>
Print Name of Applicant or Agent	Signature	Date
<u>7905 MT. Woodley PL. Alex VA, 22306</u>	<u>(703) 360-2720</u>	
Mailing/Street Address	Telephone #	Fax #
<u>Alexandria VA, 22306</u>	<u>JKlemeshewsk@fcps.edu</u>	
City and State	Email address	
	Zip Code	

By unanimous consent recommended approval 11-8-07

ACTION-PLANNING COMMISSION: _____ DATE: _____

ACTION-CITY COUNCIL: CC approved the PC recommendation DATE: 6-0 11/19/07