

Docket Item #8
SPECIAL USE PERMIT #2003-0087

Planning Commission Meeting
October 7, 2003

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

APPLICANT: Noodles & Company
by Jonathan Rak, attorney

LOCATION: 3105 Duke Street
Alexandria Commons Shopping Center

ZONE: CG/Commercial General

STAFF RECOMMENDATION:

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. Seating shall be provided for no more than 66 patrons indoors. (P&Z)
3. Outside dining may be provided for up to 10 patrons, subject to a plan that is reviewed and approved by the Directors of Planning and Zoning and Code Enforcement. The applicant shall ensure that pedestrian access is provided past the outdoor seating. The outdoor seating area shall be cleaned and washed at the close of each day of operation. No seating shall encroach on a public right-of-way. (P&Z)
4. The hours of operation shall be limited from 11:00 a.m. to 10:00 p.m. daily. (P&Z)
5. On-site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)
7. 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)
8. 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)
9. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
10. 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)

11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
12. No live entertainment shall be provided at the restaurant. (P&Z)
13. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
14. No amplified sound shall be audible at the property line. (P&Z)
15. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and a robbery awareness program for all employees. (Police)
16. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (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, 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 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.

DISCUSSION:

1. The applicant, Noodles & Company, c/o David M. Gladstone, requests special use permit approval for the operation of a restaurant located at 3105 Duke Street.
2. The subject property is two lots of record with a combined frontage of approximately 1,138 feet on Duke Street and a total lot area of 12.6 acres. The site is developed with the Alexandria Commons Shopping Center. Access to the property is from Duke Street.

Alexandria Commons, located on the north side of Duke Street just south of the intersection of Duke and Quaker Lane, is a shopping center comprised of 146,133 square feet of retail, office, and personal service space, and 635 parking spaces.

3. On June 17, 1995, City Council granted Special Use Permit #95-0056 to Hanbur Enterprises, Inc. trading as Bagel Place for operation of a 40-seat restaurant with carry-out service located at 3105 Duke Street within the then Hechinger Commons Shopping Center. On October 13, 1999, staff approved Special Use Permit #99-0111 to change the ownership of the Bagel Place to Alessandro Ciaccio. The current request is for a new restaurant called “Noodles & Company.”
4. The restaurant is proposed to have 66 indoor seats. The hours of operation will be 11:00 a.m. to 10:00 p.m. daily. On-premise beer and wine service is proposed. There will be no live entertainment.
5. According to Section 8-200 (8) of the zoning ordinance, a restaurant with 66 seats is required to provide 17 parking spaces. In this case, the shopping center has 635 parking spaces. The applicant provided a list of tenants, square footage, and required parking spaces which indicates that the total parking requirement of the shopping center, with the proposed restaurant, is 609 spaces (see attached tenant list). Therefore, the applicant meets the parking requirement. The calculation includes a parking reduction issued to Panera Bread that was necessitated because a commercial school with a large parking requirement was a tenant of the center at the time of approval(SUP#98-0138). The school is no longer located at the center.
6. Trash will be collected daily by the Alexandria Commons Shopping Center’s management company. Litter will also be controlled by the management company.

7. Staff is aware of two violations at the property from the previous restaurant that occupied the premises since 1995. One violation was in 1997 for posting illegal signs, which were removed after staff informed the owner of the requirements. The other violation was in 2000 for providing outdoor seating when the SUP did not allow it. The seats were removed when the owner was reminded of the requirement.
8. Zoning: The subject property is located in the CG/Commercial General zone. According to Section 4-403, a restaurant is allowed in CG only with a special use permit.
9. Master Plan: The proposed use is consistent with the Taylor Run/Duke Street small area plan chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff does not object to the proposed restaurant located at 3105 Duke Street. A restaurant has occupied this space since the Bagel Place was first approved in 1995. Other than the two violations that were promptly corrected, staff is not aware of any major issues associated with a restaurant use at this location. The restaurant has adequate on-site parking for the 66 seats that are proposed. Although the applicant did not request outdoor dining, staff included a condition allowing it because it would enhance the pedestrian environment at the center, and provides flexibility for the applicant. Staff also included the standard restaurant conditions, and a one year review to ensure the applicant is in compliance.

With these conditions, staff recommends approval of the special use permit.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

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 sound shall be audible at the property line.
- 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.

Code Enforcement:

- F-1 The proposed occupant load is 66 persons. The proposed plan has only one exit from the assembly area which limits the occupancy load to 50 persons including staff. The rear exit through the kitchen cannot be considered a second exit for restaurant patrons.
- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 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-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four 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-4 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC ^[313.0.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- 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:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.

- C-5 Certified Food Managers must be on duty during all hours of operation.
- C-6 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 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.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 Recommend “A.B.C. On” license only. If “A.B.C. Off” is approved we recommend the following conditions:
 - 1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
 - 2. That the SUP is reviewed after one year.