

Docket Item #10
SPECIAL USE PERMIT #2003-0088

Planning Commission Meeting
October 7, 2003

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

APPLICANT: Dahlia Kamel

LOCATION: 3817 Mt. Vernon Avenue

ZONE: CDD-6/Coordinated Development District

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 or entity in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to between 11:00 a.m. and 11:00 p.m., daily. (P&Z)
3. No more than ten seats may be provided at the restaurant inside and outside. (P&Z)
4. Outside dining may be provided subject to a plan that is reviewed and approved by the Director of Planning and Zoning. The applicant shall ensure the outdoor seating does not restrict pedestrian access to other merchants in the shopping center. 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)
5. No live entertainment shall be provided at the restaurant. (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 the public right of way and spaces adjacent to or within 75 feet of the premises shall be picked up twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
10. Meals ordered before the closing hour may be served, 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 require that employees who drive to work use off-street parking. (P&Z)
12. On-site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)
13. No amplified sound shall be audible at the property line. (P&Z)
14. 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. (Police)
15. 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. (P&Z)
16. Delivery vehicles shall be parked in designated off-street parking spaces located in the parking lot behind the building at the Mount Vernon Village Shopping Center. Loading and unloading of delivery vehicles shall take place from behind the shopping center at the rear access door of the business. Delivery vehicles shall be no larger than passenger vehicles. (P&Z)
17. No equipment including kitchen equipment shall not 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)
18. 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)
19. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise will be audible at the property line. (T&ES)

20. The Director of Planning and Zoning shall review the special use permit one year after the use becomes operational 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, Dahlia Kamel, requests special use permit approval for the operation of a restaurant located at 3817 Mt. Vernon Avenue, in the Mount Vernon Village Center.
2. The subject shopping center site contains approximately 537 feet of frontage on Mount Vernon Avenue and 377 feet of frontage on Bruce Street. The site consists of four parcels with a total lot area of 202,776 square feet (4.6 acres). The site is developed with the Mount Vernon Village Center, an existing small-scale shopping center. The restaurant is proposing to occupy a vacant tenant space of 1,023 square feet located near the CVS Pharmacy (see attached plan). Access to the property is from both Mount Vernon Avenue and Bruce Street.

To the north of the site are retail and residential uses including Lillian's restaurant and the Chirilagua Housing Cooperative, to the south are retail establishments including Blockbuster Video, to the east is Four Mile Run Park, and to the west is the Presidential Greens Apartments.

3. The applicant proposes to operate a carry out restaurant with delivery service. The restaurant will sell chicken wings, hamburgers, appetizers, salads, and related products (see menu). According to the Wing Zone web site, it is one of the fastest growing franchises in the nation.
4. Wing Zone will operate Monday through Friday from 4:00 p.m. to 11:00 p.m. and Saturday and Sunday from 11:00 a.m. to 11:00 p.m. Between 9:00 p.m. and 11:00 p.m., the restaurant will only be open for delivery orders over the phone.
5. The parking requirement for a carry-out restaurant without seats is calculated the same as a retail establishment. Under Section 8-200 (A) (16) of the zoning ordinance a retail use at this location requires seven parking spaces. In this case, the subject property has a total of 297 parking spaces for the shopping center lot, which meets the parking requirement for the retail uses at the shopping center.
6. The applicant proposes to use three delivery vehicles, which will be parked in the parking lot.
7. There will be no seating inside or outside the restaurant. No live entertainment will be offered, and alcohol will not be served.
8. Five employees will be present for each eight hour shift.

9. Deliveries to the restaurant are expected to occur two to three times each week between 3:00 p.m. and 6:00 p.m.
10. Zoning: The subject property is located in the CDD/Coordinated Development District #6 zone. According to Section 5-602 (A) of the zoning ordinance, the NR/Neighborhood Retail regulations apply to this zoning district. Section 4-104 (D-G) of the zoning ordinance allows a restaurant in the NR zone with an administrative special use permit if the proposed restaurant meets the general and specific standards for restaurants in the zone. Section 4-104 (G) (6) of the zoning ordinance requires a minimum of 40 seats to offer delivery service. In this case, the proposed restaurant will be offering delivery service, but is not offering seating. Therefore, the restaurant requires City Council approval of a special use permit.
11. Master Plan: The proposed use is consistent with the Potomac West chapter of the Master Plan which designates the property for a mix of commercial and residential use. The Potomac West Small Area Plan and Arlandria Neighborhood Plan, encourages the support of neighborhood oriented, small-scale retail and coordinated mixed use development.

STAFF ANALYSIS:

Staff does not object to the proposed restaurant located at 3817 Mt. Vernon Avenue. The restaurant will provide a convenient service to residents and workers in the area. It will add to the diverse restaurant options already offered in Arlandria.

Staff would prefer to see a more pedestrian oriented restaurant with seating to add vitality to the street, consistent with the goals of the Arlandria Plan. A carry-out restaurant without seating was not included in the administrative review process in the NR zone specifically because it does not meet this criteria. However, there are a number of restaurants that offer seating in the immediate area, including R.T.'s, a Thai restaurant, Subway, Waffle House, and a Vietnamese restaurant to be located immediately adjacent to the subject carry-out (SUP#2002-0111). Therefore, the proposed restaurant does not create a disproportionate number of carry-outs in the area. Staff finds that although not consistent with the goals of the Arlandria Plan, the small carry-out will not impede the implementation of the goals of the Arlandria Plan.

Staff recommends a condition allowing indoor and outdoor seating to encourage the applicant to consider seating for pedestrian patrons. In addition, staff recommends allowing longer hours to include the lunch hour to add daytime activity on the premises. Staff recommends a one year review to monitor the impact of the carry-out establishment on the area, and to ensure compliance with all conditions.

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

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 No equipment including kitchen equipment shall not be cleaned outside, nor shall any cooking residue or any other waste be washed onto the streets, sidewalks, alleys, or into 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 noise will 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:

- 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 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-3 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-4 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC [313.0.
- C-5 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-6 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-7 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.
- F-3 The applicant is not requesting an A.B.C. permit. The Police Department concurs with this.