

Docket Item #3
SPECIAL USE PERMIT #2003-0090

Planning Commission Meeting
November 6, 2003

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

APPLICANT: Layek Ahmad Chowdhury

LOCATION: 356 South Pickett Street

ZONE: CDD/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 business or entity in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided inside for no more than 22 patrons. (P&Z)
3. No outside dining facilities shall be located on the premises. (P&Z)
4. The hours of operation shall be limited to 11:00 A.M. to 9:00 P.M., daily. (P&Z)
5. No food, beverages, or other materials shall be stored outside. (P&Z)
6. 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)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
8. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
9. The applicant shall control cooking 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 & Environmental Services. (T&ES)
10. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
11. No live entertainment shall be provided at the restaurant. (P&Z)
12. No alcohol service shall be permitted. (P&Z)

13. Meals served 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)
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. (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.
16. The Director of Planning and Zoning shall review the special use permit one year after the business is 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, Layek Ahmed Chowdhury, requests special use permit approval for the operation of a restaurant located at 356 South Pickett Street.
2. The subject property is one lot of record with approximately 1,000 feet of frontage on South Pickett Street, 600 feet of depth and a total lot area of approximately 15 acres. The site is developed with three commercial buildings of multiple tenant spaces that make up the Trade Center shopping center. The center is occupied by various retail uses including Dollar Depot Plus, a mattress store, a Post Office, and Home Depot. There are two other restaurants in the center including Pepi's Pizza Box and Dave and Chung's Restaurant. The subject tenant space totals 1,500 square feet and is located at the north end of the center building and is currently occupied by Marlene's Cake, Candy and Party Supplies, between the Mediterranean Bakery and Café, which offers some seating, and Ace Wigs and Hair. Residential uses are located behind the center and across South Pickett Street. Mercedes Benz of Alexandria is located immediately to the northeast, and a commercial warehouse is located immediately to the southwest.
3. The applicant proposes to operate an ice cream shop. The store will sell ice cream from a food line. Tables for 22 patrons will be provided. The hours of operation will be 11:00 a.m. to 9:00 p.m. daily.
4. The Trade Center is governed by several approvals, including a Transportation Management Plan (SUP #2506). The TMP speaks directly to the issue of restaurants in the Center and provides:

“As no additional parking has been provided for restaurants, restaurants may be placed in the designated retail space only if they require no more parking (at 1 space per 4 seats) than would the retail use of that space (at 1.2 spaces per 230 nsf). That is, a SUP may be approved only for restaurants which contain 12 or fewer seats per 575 nsf of total space. Restaurants containing more than 12 seats per 575 nsf may be approved if the applicant can show, to the satisfaction of the Director of Planning and Community Development, that parking will be adequate.”

Section 8-200(A)(8) of the Zoning Ordinance requires one off-street parking space for each four seats in a full service restaurant. In this case, the restaurant proposes to have 22 seats, for a requirement of six spaces. According to the parking calculations assumed in the TMP, the subject tenant space already assumes a parking requirement of eight spaces. Therefore, the subject restaurant meets the parking requirement. The Trade Center parking lot includes a total of 855 spaces.

5. Trash will include paper and cardboard products. Dumpsters are located at the back of the building, and the property management arranges for pick up once a week. The applicant will install trash cans at the front of the store to prevent littering.
6. Zoning: Section 4-403(Y) of the 1992 Zoning Ordinance permits a restaurant in the CDD #8, Coordinated Development District only with a special use permit. The underlying zone is CG, Commercial General. The Home Depot/Trade Center project is developed pursuant to Transition Special Use Permit #2505 granted by City Council on September 14, 1991.
7. Master Plan/Zoning: The subject property is located in a CDD, Coordinated Development District (#8) zone with an underlying zone classification of CG, Commercial General. The property is identified in the Landmark/Van Dorn Small Area Plan for commercial land use.

STAFF ANALYSIS:

Staff does not object to the proposed ice cream shop located at 356 South Pickett Street. The center currently does not have an ice cream shop, and the use will be a good addition to the existing mix of retail uses located there. There is ample parking for the small ice cream shop. Staff has added the standard restaurant conditions.

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:

- 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.
- 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 cooking 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 & Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible 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 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 current use is classified as M; the proposed use is A. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 115.4) and compliance with USBC 118.2. 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. A new Certificate of Occupancy is required (USBC 115.4).
- 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.