

Docket Item #10
SPECIAL USE PERMIT #2004-0002

Planning Commission Meeting
March 2, 2004

ISSUE: Consideration of a request to amend the special use permit to authorize the on-premise sale of beer and wine, to add four seats, and to extend the hours of operation.

APPLICANT: Getaneh Asrat

LOCATION: 50 South Pickett Street, #24
Pickett Center

ZONE: CG/Commercial General

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.

I. DISCUSSION

REQUEST

The applicant, Getaneh Asrat, is requesting an amendment to the special use permit for the Roxy Cafe/restaurant at 50 South Pickett Street to authorize the on-premise sale of beer and wine, to add four seats, and to extend the hours of operation.

SITE DESCRIPTION

The subject property is part of one lot of record with an irregular shape having 300.9 feet of frontage on South Pickett Street, 30 feet of frontage on Duke Street, 302.2 feet of depth and a total lot area of 2.47 acres. The site is developed with a three story building and a total of 218 parking spaces. The building is occupied primarily by office, retail and medical office uses.

CURRENT RESTAURANT CHARACTERISTICS

The applicant operates a 672 square foot restaurant and carry-out with 16 indoor seats. The menu consist of cold sandwiches, scrambled eggs, soups, salads and pastries and coffee and similar drinks. The restaurant is currently open between 7:00 A.M. and 7:00 P.M. daily and is operated by two employees, including the applicant. Between 20 and 30 customers patronize the restaurant daily. Trash generated by the restaurant is collected daily.

PROPOSED CHANGES TO THE RESTAURANT'S OPERATION

The applicant seeks permission to amend three conditions of the existing special use permit:

(1) Condition # 2, limiting seating to no more than 16 patrons. The applicant proposes to add four seats in order to provide seating for 20 patrons.

(2) Condition # 5, limiting the hours of operation to 7:00 A.M. to 7:00 P.M. daily. The applicant would like to extend the hours of operation to 7:00 A.M. to 10:00 P.M., Monday through Friday, and to 10:00 A.M. to 9:00 P.M., Saturday and Sunday.

(3) Condition # 9, prohibiting the sale of alcoholic beverages. The applicant would like to offer beer and wine to his customers, served with food only. There will be no off-premise sale of alcoholic beverages.

Loading/Unloading: Because of the impractical location of the center's loading spaces in the lower parking area on the other side of the building, the applicant has permission to allow delivery vehicles to unload via the front door of the restaurant. Such deliveries are restricted to the morning hours, the least busy time for the center.

PARKING

Section 8-200(A) of the zoning ordinance requires a restaurant with the currently provided 16 seats to provide four parking spaces (one space for each four seats). Four spaces were required by the retail store that previously occupied the space. As those parking spaces became available for the restaurant, staff considered the parking requirement to be satisfied. The applicant is proposing to add four seats, thus triggering the requirement to provide one additional parking space for a total of five spaces.

Staff conducted an analysis of the off-street parking distribution for the Pickett Center and found that the existing uses currently require 216 parking spaces of the 218 provided parking spaces (see SUP 2003-0100). Therefore, adequate parking is provided to meet the one additional parking space requirement for the proposed intensification of the restaurant, as well as for all other uses within the Pickett Center.

SUP HISTORY

On December 16, 2000, City Council granted Special Use Permit #2000-0135 to Samson Beyen for the operation of a restaurant located at 50 South Pickett Street, Unit #24, within the Pickett Center. Special use permit #2002-0011 was approved administratively on April 23, 2002 to change the restaurant's ownership to Aida Mesfin. On June, 16, 2003, the ownership of the restaurant was changed from Aida Mesfin to Getameh Asrat by Special Use Permit #2003-0040 granted administratively.

ZONING / MASTER PLAN:

The subject property is located in the CG/Commercial General zone. Section 4-403(Y) of the Zoning Ordinance allows a restaurant in the CG 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 has no objection to the proposed amendment of the special use permit for the Roxy Cafe located at 50 South Pickett Street, adding beer and wine to the menu, extending the hours of operation, and adding four seats. The existing small restaurant, which includes carry-out service, has been operating without incident. Staff has received no complaints or indication of problems regarding the establishment and believes that the restaurant's expansion will complement the existing office and commercial uses at the center.

Staff notes that the standard restaurant conditions and conditions pertaining to loading times, and employee parking remain part of the recommended permit conditions in order to ensure continued success of the restaurant's operation.

Additionally, staff has included a one year review condition so that if there are problems with its operation, new or additional conditions may be added.

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

III. RECOMMENDED PERMIT 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) (SUP #2000-0135)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than ~~16~~ twenty (20) patrons. ~~(P&Z) (SUP #2000-0135) (P&Z)~~
3. Outside dining facilities shall be prohibited. (P&Z) (SUP #2000-0135)
4. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2000-0135)
5. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to ~~7:00 A.M. to 7:00 P.M. daily~~ 7:00 A.M. to 10:00 P.M., Monday through Friday, and 7:00 A.M. to 9:00 P.M., Saturday and Sunday. ~~(P&Z) (SUP #2000-0135) (P&Z)~~
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2000-0135)
7. Deliveries shall occur during the mornings only. (P&Z) (SUP #2000-0135)
8. The applicant shall require its employees to park in the parking areas to the north and east of the building during daylight hours to the extent spaces are available. (P&Z) (SUP #2000-0135)
9. **CONDITION AMENDED BY STAFF:** ~~Alcoholic beverages are not permitted.~~ On-premise sale of beer and wine shall be permitted ~~(P&Z) (SUP #2000-0135) (P&Z)~~
10. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2000-0135)
11. 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) (SUP #2000-0135)

12. 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) (SUP #2000-0135)
13. The applicant shall install at least one trash container within the restaurant for patrons' use. (P&Z) (SUP #2000-0135)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2000-0135)
15. No amplified sound shall be audible at the property line. (P&Z) (SUP #2000-0135)
16. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP #2000-0135)
17. **CONDITION AMENDED BY STAFF:** 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) (SUP #2000-0135)~~
(Police)
18. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit ~~after it has been operational for 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) (SUP #2000-0135)~~
(P&Z)

19. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements. (P&Z)

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Bettina Irps, Urban Planner.

Staff Notes: 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.

Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour.

IV. 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:

- F-1 No comments.

Health Department:

- F-1 No additional comments.

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. This is to be completed prior to the business opening.
- 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 “ABC On” license only. If “ABC 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.