

Docket Item #18
SPECIAL USE PERMIT #2004-0009

Planning Commission Meeting
April 6, 2004

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

APPLICANT: Zak Driouche

LOCATION: 1301 North Quaker Lane

ZONE: CG/Commercial General

STAFF RECOMMENDATION: Staff recommends **denial** of this application. If this application is approved by City Council, staff recommends the approval be subject to compliance with all applicable codes and ordinances and the recommended conditions found in Section III of this report.

I. DISCUSSION

REQUEST

The applicant, Zak Driodche, requests special use permit approval for the operation of a restaurant located at 1301 Quaker Lane.

SITE DESCRIPTION

The subject property is one lot of record with approximately 166 feet of frontage on North Quaker Lane, approximately 87 feet of frontage on King Street, and a total lot area of approximately 17,340 square feet. The site is developed with a one story commercial building with other commercial tenants including Radio Shack and a dry cleaners. Access to the property is from both King Street and Quaker Lane. The subject tenant space totals 1,600 square feet and is located in the northernmost space of the building and was most recently occupied by PR&Partners Salon. The tenant space faces North Quaker Lane with head in parking directly in front of the store. Parked cars at that location must back out into North Quaker Lane traffic to leave the site.

SURROUNDING USES

Located immediately to the north is a Shell gas station, to the south is Radio Shack, to the west across Quaker Lane is the Fairlington residential development in Arlington County, and to the east is the Apple House Nursery. Also in the near vicinity are other residential uses, T.C. Williams High School, and car dealerships.

PROJECT DESCRIPTION

The applicant proposes to operate a restaurant that offers Italian food, including pizza, pasta, and deli items. The restaurant will offer a delivery service. The specific aspects of the restaurant as proposed by the applicant are as follows:

- Seating: The applicant proposes 36 seats.
- Hours: The hours of operation are proposed to be 8:00 a.m. to 11:00 p.m. Monday through Thursday, 8:00 a.m. to 12:00 midnight on Friday and Saturday, and 11:00 a.m. to 9:00 p.m. on Sunday.
- Customers: The applicant expects approximately 40 customers during peak lunch and dinner hours.
- Trash: Trash will consist of regular restaurant refuse. Trash will be kept in a dumpster and will be picked up approximately twice a week.

- Delivery
Service: The applicant proposes to offer delivery service with two vehicles and drivers will use their personal vehicles.
- Loading: Loading will occur behind the restaurant from the two loading spaces. Loading will typically occur twice a week, before the lunch rush, in the early morning hours.

The applicant is proposing no alcohol service and no entertainment. There will be only counter service and no wait service at the tables.

Staff and the applicant have discussed the application with the Northridge Citizens Association. However, the Association's regular meeting is not until after the Planning Commission hearing.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 36 seats will be required to provide nine off-street parking spaces. The previous salon use required only five spaces. Based upon all the uses that occupy the building, a total of 29 off-street parking spaces are required to meet Zoning Ordinance requirements. Parking required by each use is as follows:

<u>Use</u>	<u>Parking Required</u>
Dry Cleaners (SUP #2647)	6 Spaces
Proposed Restaurant	9 Spaces
Radio Shack (retail)	14 Spaces

Total <u>required</u> parking:	29 Spaces
Total <u>provided</u> parking:	29 Spaces

(See attached plan for parking layout).

OTHER RESTAURANTS OPERATED BY APPLICANT

The applicant operated Paesano's restaurant located at 1724 Duke Street for over 12 years, and is approved to open another restaurant at 1725B Duke Street (SUP#2003-0030). According to the applicant, he still intends to occupy the new Duke Street space. The applicant also operates the Carlyle Deli at 2141 Jamieson Avenue.

ZONING

The subject property is located in the CG/General Commercial zone. Section 4-404 (Y) of the Zoning Ordinance allows a restaurant in the CG zone only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Fairlington/Bradlee small area plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff recommends denial of the proposed restaurant at 1301 North Quaker Lane. Staff would like to support this neighborhood serving small business to be operated by a successful local entrepreneur. However, because the use unnecessarily intensifies an existing unsafe traffic problem, staff must recommend denial.

As a 36-seat restaurant with carryout and delivery services, the proposed use is likely to generate a high volume of vehicular activity at the subject location, creating a hazardous situation for customers and traffic flow, particularly during peak traffic hours. At least 12 parking spaces located at the front of the subject tenant space are accessed directly from North Quaker Lane. Vehicles have to pull into a space directly from the roadway and then back out directly into oncoming traffic to leave the premises because there is no curb or sidewalk separating the spaces from traffic flow. Because the spaces are perpendicular to the roadway, it is very difficult for drivers to see oncoming vehicles when pulling out. In addition, because there is no sidewalk the property is difficult even for pedestrians to access, which encourages more vehicular traffic at the location. Although any of the already permitted uses for the space would experience the same parking conditions as the proposed restaurant, a restaurant will create a higher volume of patron visits than most permitted retail, office, and personal service uses, especially with many vehicles frequently coming and going for carryout and delivery orders. The parking configuration thus presents an unsafe condition adjacent to a very difficult intersection with a variety of traffic issues and the proposed restaurant at this location just intensifies an already dangerous situation.

The applicant attempted to address staff's concerns regarding the parking configuration by identifying strategies to discourage parking along North Quaker Lane, including arranging for off-site parking for employees at the office building on Osage Street and at the Apple House nursery. While staff believes that additional off-site parking would be advantageous, it does not answer the safety issue of vehicles backing out on to North Quaker Lane. Staff also notes that the specific restaurant proposed in this application would provide a service to area residents and T.C. Williams students on lunch hour or after school. The restaurant does not propose to serve alcohol or have live entertainment or very late operating hours, reducing the potential of negative impacts from the restaurant. These facts work in favor of the restaurant. However, on balance, staff finds that the restaurant would be better located on a site with safe vehicular access. Therefore, staff does not support the restaurant at this location.

Transportation and Environmental Services staff, while recommending denial of the use, have suggested that there may be a way to redesign onsite circulation to avoid the traffic hazard if the applicant and/or the property owner is willing to undertake the work, although it might reduce parking capacity. Therefore, in the event that Council approves the application, staff has included a condition requiring that the applicant submit a plan to reconfigure the parking and circulation on the site to limit access from North Quaker Lane to a standard width driveway, to the satisfaction of the Directors of T&ES and P&Z, and that the applicant implement the plan prior to opening. Staff has also included standard restaurant conditions in the event that the application is approved.

III. RECOMMENDED CONDITIONS

Staff recommends **denial** of this application. However, if approved by Council, the application is 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. The number of seats provided shall not exceed 36. (P&Z)
3. The hours during which the business is open to the public shall be restricted to between 8:00 a.m. and 11:00 p.m. Monday through Thursday, and 8:00 a.m. to 12:00 midnight on Friday and Saturday, and 11:00 a.m. to 9:00 p.m. on Sunday. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
4. The applicant shall submit a plan to the satisfaction of the Directors of T&ES and P&Z to reconfigure the parking and circulation on the site and to limit vehicular access from North Quaker Lane to a standard width driveway. The applicant shall implement the plan prior to issuance of an occupancy permit for the restaurant. (P&Z)(T&ES)
5. No food, beverages, or other material 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 closed containers which do not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
7. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)

8. 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)
9. 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)
10. The applicant shall provide a trash container at the entrance to the building. (P&Z)
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. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
13. 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 robbery awareness program for all employees. (Police)
14. The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all SUP provisions and requirements, as part of that training. (P&Z)
15. 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)
16. Deliveries to customers may only be made during the hours of operation and with two small vehicles. No large trucks are permitted for deliveries. Delivery vehicles must use off-street parking at the restaurant site. (P&Z)
17. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise will be audible at the property line. (T&ES)
18. The applicant shall paint the facade to the satisfaction of the Director of Planning and Zoning. (P&Z)

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

- F-1 T&ES believes the proposed restaurant will generate a large volume of vehicular activity in an area with uncontrolled access from N. Quaker Lane. This could become very dangerous, particularly during peak traffic hours. T&ES does not support this use at this location. The increased driveway volumes will create a hazardous situation for customers and traffic flow. If the Special Use Permit is approved, T&ES recommends the applicant comply with the following conditions:
- R-1 The applicant shall submit a plan to the satisfaction of the Directors of T&ES and P&Z to reconfigure the parking and circulation on the site and to limit vehicular access from North Quaker Lane to a standard width driveway. The applicant shall implement the plan prior to issuance of an occupancy permit for the restaurant.
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-3 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-4 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 submitted sketch is not sufficient in detail or dimensions to provide enough information to conduct a complete review. (Submitted plans indicate a hair salon will be used in combination with the requested restaurant. This type of use is incompatible within the same tenant space. Plans also indicate stairs. Stairs used as a means of egress from another tenant space shall not discharge into the proposed

tenant space.) Therefore, additional requirements beyond those stated below may be applicable, should conditions arise which have not been included within the submitted application.

- C-1 The current use is classified as M-Mercantile; the proposed use is A - Assembly, M-Mercantile. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. 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.
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 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-5 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-6 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-7 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 313.0.
- C-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-9 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-10 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 construction.
- 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-1 The applicant is not requesting an ABC permit. The Alexandria Police Department concurs with this.
- R-3 If the applicant seeks an ABC license 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.