

Docket Item #10
SPECIAL USE PERMIT #2004-0013

Planning Commission Meeting
May 4, 2004

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

APPLICANT: Ted's Montana Grill, Inc.
by Leigh Morgan

LOCATION: 311 Swamp Fox Road

ZONE: CDD-2/Coordinated Development District

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, Ted's Montana Grill, Inc., represented by Leigh Morgan, requests special use permit approval for the operation of a restaurant located at 311 Swamp Fox Road.

SITE DESCRIPTION

The subject property is part of what is known as the Hoffman Town Center and is developed with the Hoffman office buildings (Hoffman I and II), with one story retail and restaurant space that wraps around the south and east sides of the buildings, and a crescent-shaped pedestrian plaza oriented toward Swamp Fox Road. The subject tenant proposes to occupy 5,398 square feet tenant space facing the pedestrian plaza and Eisenhower Avenue. Most of the remaining retail space is vacant, however, there is a Bread and Chocolate Restaurant, Cold Stone Creamery, a barber shop and dry cleaner located north of the subject tenant space along the pedestrian plaza.

SURROUNDING USES

In addition to the immediate retail tenant spaces along the pedestrian plaza, surrounding uses include Ruby Tuesday's restaurant, the San Antonio Grill restaurant, a movie theater, surface parking and offices. The Eisenhower Metrorail station is located southeast of the subject property.

PROJECT DESCRIPTION

The applicant requests special use permit approval to operate a restaurant ("Ted's Montana Grill") with 195 seats, including 15 bar seats and 28 outdoor seats. The outdoor seating area will be enclosed by a 2 feet 11 inch high metal railing as depicted in the attached plan, which is a continuation of the building line of the adjacent tenant spaces and therefore maintains a sidewalk width of 15.7 feet. The full-service restaurant specializes in contemporary "comfort" food and bison dishes. The applicant proposes to sell beer, wine and liquor for on-premise consumption only. While the restaurant also offers carry-out service, no delivery service will be provided.

Hours of Operation: The restaurant is proposed to be open between 11:00 A.M. and 11:00 P.M. daily. Although the applicant has not requested to be open beyond 11:00 P.M., staff recommends allowing the operation to be open until 1:30 A.M. to provide flexibility for the applicant. The later hours are consistent with the hours of operation of the nearby San Antonio Grill.

Employees/patrons: The business will be operated by 25 employees per shift for a total of 100 employees. The applicant anticipates to serve approximately 350 meals per day.

Trash: Trash will be picked up twice a day by a private contractor. City trash cans are located in the pedestrian plaza to control litter. Due to the nature of the business, excessive littering is not expected, however, it will be monitored by the business management.

Loading: Loading is anticipated to occur between 4:00 A.M. and 8:00 A.M. The loading area is located at the rear of the building between Hoffman Buildings #1 and #2.

SUP HISTORY

On June 13, 1998, City Council granted Special Use Permit #98-0042, with site plan, to construct a theater with retail and restaurant uses, including the pedestrian plaza where the subject tenant space is located. Condition #2 of that special use permit states that each restaurant is required to obtain a separate special use permit for operation. On October 14, 2000, City Council approved DSUP #2000-0028 amending SUP#98-0042 to add an office building and parking garage on existing surface parking behind the movie theaters, and add facade details for the subject property.

PARKING

Pursuant to Section 8-200 of the zoning ordinance, the proposed restaurant is required to provide 49 spaces; one space for every four seats. Parking requirements for the subject restaurant space were analyzed and met under the special use permit approved in 1998 for the theater building and pedestrian plaza area at the Hoffman office buildings (SUP#98-0042).

The parking requirement for the theater, retail and restaurant uses is 1,741 parking spaces. The office buildings (Hoffman I and II) require 1,523 parking spaces. The total parking requirement is 3,264 parking spaces. There are currently 2,724 spaces, 540 fewer than required. This reduced number of parking spaces should, however, suffice since the theater and office uses have different peak usage times and can share parking. Future plans include a 3,000 space parking garage that will replace most of the surface spaces (DSUP#2000-0028).

ZONING / MASTER PLAN

The subject property is located in the CDD-2/Coordinated Development District. According to Section 5-602 of the zoning ordinance, the underlying zoning of the CDD-2 zone is OC/Office Commercial. According to Section 4-803 (AA) of the zoning ordinance, a restaurant is allowed in the OC zone only with a special use permit. The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for commercial uses.

II. STAFF ANALYSIS

Staff supports the proposed restaurant located at 311 Swamp Fox Road. Restaurant uses were a part of the original development concept and are supported today by staff. The proposed restaurant is compatible with the nearby theater and office uses. It will provide a convenient food service establishment for daytime office users, but will also provide another destination for the theater and restaurant patrons during the evening, creating a more lively, active environment. The proposed restaurant is consistent with the Eisenhower East Small Area Plan which envisions a vibrant mix of retail and restaurant uses in a new town center approach at Hoffman.

Staff has included the standard restaurant conditions and a condition requiring a review of the restaurant after it has been operational for one year. With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

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 for no more than 195 patrons. (P&Z)
3. Outside dining is permitted on private property in accordance with the attached plan. The applicant shall ensure that pedestrian access past the outdoor seating area is provided per city codes and that the outdoor seating area is cleaned at the close of each day of operation. At least two landscape planters of a style and at a location approved by the Department of Planning and Zoning shall be placed in the area devoted to the outdoor seating area, to include four seasons of plants. (P&Z)
4. Alcoholic beverages may be sold for on-premises consumption only. (P&Z)
5. No live entertainment shall be provided at the restaurant. (P&Z)
6. The closing hours shall be 1:30 P.M. daily. (P&Z)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)

8. No food, beverages, or other material shall be stored outside. (P&Z)
9. 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)
10. 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)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
12. 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)
13. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
14. 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. (P&Z)
15. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
16. The applicant shall require their employees who drive to work to use off-street parking. (P&Z)
17. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees and a security survey for the business, which is to be completed prior to the business opening. (Police)
18. 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, and to provide instruction preventing underage sales of alcohol. (P&Z)

19. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold and advertising of carpooling opportunities. (P&Z)
20. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, 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 received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (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;
Bettina Irps, 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:

- 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:

- 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. Five 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.

- 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.
- R-1 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 shall 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 40 fluid ounces or more. 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.