

Docket Item #5
SPECIAL USE PERMIT #2004-0029

Planning Commission Meeting
June 1, 2004

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

APPLICANT: Meal Deal, Inc.
by Ozkan Erenoglu

LOCATION: 4656 C King Street

ZONE: OCM(100)/Office Commercial Medium

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, Meal Deal Inc., by Ozkan Erenoglu, President, requests special use permit approval for the operation of a restaurant with carryout and delivery service located at 4656 C King Street.

SITE DESCRIPTION

The subject property is part of a parcel containing three lots of record located at the northwest corner of North Beauregard Street and King Street which contains approximately 3.7 acres. The property is developed by Summit Centre which is an office, retail, personal service and restaurant complex and includes TGI Fridays restaurant, Domino's Pizza, and the US Army Corp of Engineers offices. The subject tenant space will occupy 1,176 square feet and is located at the south end of the center, between a hair salon and clothing store.

SURROUNDING USES

To the south across Beauregard Street is the Jefferson Hospital Building. Across King Street is a 7-Eleven store and Popeye's Chicken. There are also high- and mid-rise office and commercial buildings, as well as residential developments in the near vicinity.

PROJECT DESCRIPTION

This application is a request to operate a restaurant with carryout and delivery service with no seating. The restaurant will serve Middle-Eastern style food including kabob platters, sandwiches, salads, breads, and rice. The applicant expects 10-15 carryout customers for lunch and dinner hours. The applicant is not proposing to serve alcoholic beverages, and does not propose live entertainment.

Hours of Operation: The hours open to the public will be between 11:00 a.m. and 11:00 p.m. daily.

Employees: Up to three employees will be on the premises and two delivery drivers will be working at any one time.

Trash: The applicant expects 20 gallons of trash each day. An enclosed dumpster for the retail businesses is located at the back of the complex.

Loading/Unloading: Loading for the retail tenants at the center occurs at the front of each business. The applicant anticipates that loading will occur three times a week at either 10:30 a.m. or 6:30 p.m.

Delivery: The applicant proposes to have two delivery vehicles. The vehicles will load from the front of the building. The vehicles will be the driver's personal vehicles and will not be stored on site outside of working hours.

PARKING

According to Section 8-200(A)(16) of the Zoning Ordinance, a 1,176 square feet carryout restaurant with no seats (retail use) requires seven spaces. Required parking for the proposed carryout/delivery restaurant has been provided as part of site plan #82-051. There are 351 parking spaces existing on the site, and the required parking spaces for the proposed restaurant have been provided as part of the retail development. The Summit Centre property management has also secured additional parking at the Jefferson Hospital building for retail tenant employees. The 48 parking spaces at the front of the retail uses are reserved for customer use only, some of which are designated to specific tenants.

ZONING

The subject property is located in the OCM-100/Office Commercial Medium zone. Section 4-1003 of the Zoning Ordinance allows restaurants in the OCM-100 zone only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Alexandria West Small Area Plan chapter of the Master Plan which designates the property for uses consistent with OCM-100.

II. STAFF ANALYSIS

Staff does not object to the proposed restaurant with carryout and delivery services located at 4656C King Street. The restaurant will provide a service to area workers, and is not in the immediate vicinity of residential uses reducing the potential for negative impacts. Staff is not aware of any complaints regarding the Domino's Pizza delivery and carryout business located at the same complex.

Although staff was concerned about delivery vehicles competing for customer spaces, the property manager stated that they have not experienced customer parking conflicts with the Domino's delivery vehicles because the delivery drivers are usually away from the site. Staff recommends a one year review condition to ensure that parking problems do not arise from the delivery vehicles, and that the operation continues to function as described in this report. Staff has also included all of the standard restaurant conditions. Staff recommended later operating hours than requested by the applicant to be consistent with those hours already approved at Domino's Pizza.

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

III. RECOMMENDED PERMIT 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. No outside dining facilities shall be located on the premises. (P&Z)
3. No live entertainment shall be provided at the restaurant. (P&Z)
4. The closing hour shall be no later than 1:00 a.m. daily. (P&Z)
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
6. Sale of alcoholic beverages shall be prohibited. (P&Z)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. Trash and garbage shall be stored 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)
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 install one trash container both inside the restaurant for patron's use (the trash can on the outside may include the can already installed and maintained by the property management). (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 noise 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 after the closing hour, and all patrons must leave by one hour after the closing hour. (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. (Police)
16. 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)
17. 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)
18. 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 P. 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:

- 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 noise 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 This application is for carry out food service only with no tables and chairs. The following comments pertain to this type of use only. Any request for seating or dine in services will require a change of use in accordance with the USBC and a new Certificate of Occupancy.
- F-2 The proposed use is consistent with the current use classification of the space.
- 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. 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-3 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- C-4 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-5 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 is to contact the Crime Prevention Unit of the Alexandria Police Department 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 concur with this.
- 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.

SUP #2004-0029
4656 C King Street

Report attachments available in the Planning and Zoning Office