

Docket Item #14
SPECIAL USE PERMIT #2004-0046

Planning Commission Meeting
June 1, 2004

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

APPLICANT: Poonam Sharma
by Tina Rayner

LOCATION: 4608 Kenmore Avenue (Parcel Add.: 4550 Kenmore Ave)
Seminary Plaza

ZONE: CG/Commercial General

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

I. DISCUSSION

REQUEST

The applicant, Poonam Sharma, requests special use permit approval for the operation of a restaurant located at 4608 Kenmore Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 264 feet of frontage along Kenmore Avenue, 229 feet of frontage along Seminary Road, and an area of 2.6 acres. The property is developed with the Seminary Plaza shopping center, whose tenants include Fairlanes bowling alley, Safeway grocery store, Roma Pizza, and CVS pharmacy. The subject tenant space totals 1,971 square feet and is situated between the CVS pharmacy and 7-11 convenience store.

PROJECT DESCRIPTION

This application is a request to operate a Quizno's restaurant. The restaurant will offer carry out and table seating. Quizno's serves subs, sandwiches, soup, salads, chips, cookies, and other desserts. Alcohol service, delivery, and live entertainment are not proposed.

Hours of Operation: The hours are proposed to be 11:00 a.m. to 9:00 p.m. Monday through Saturday and 12:00 noon to 8:00 p.m. on Sunday.

Seats: The applicant proposes 48 seats.

Employees: There will be four to five employees on site at any one time.

Trash: Trash will be collected once a week. Trash facilities are provided by the shopping center. Property management provides trash containers to control litter.

Loading/Unloading: Loading and unloading operations will occur during the mornings between 8:00 a.m. and 10:00 a.m., three times a week.

PARKING

According to Section 8-200 (A) (8) of the Zoning Ordinance, a restaurant with 48 seats is required to provide 12 parking spaces. There are 396 parking spaces on site, allowing ample parking for the proposed restaurant and other commercial uses in the center.

ZONING

The subject property is located in the CG/Commercial General zone. Section 4-403 (Y) of the Zoning Ordinance allows restaurants in the CG zone only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Seminary Hill/Strawberry Hill Small Area Plan chapter of the Master Plan which designates the property for general commercial use.

II. STAFF ANALYSIS

Staff does not object to the proposed restaurant at 4608 Kenmore Avenue. Because the restaurant is in a shopping center, many of the impacts normally associated with a restaurant can be better controlled, including that there is adequate parking, ample area for vehicular circulation to accommodate loading and trash trucks, building staff to monitor maintenance and upkeep issues at the property, and that the restaurant is not located in the immediate proximity of residential uses reducing the potential for negative impacts caused from the restaurant. Staff did not observe any problems with litter or other maintenance problems on the premises.

Staff recommends a one year review condition to ensure that the operation continues to function as described in this report. Staff recommended extended hours to be more consistent with the hours approved at Roma Pizza restaurant in the same shopping center. Staff has also included all of the standard restaurant conditions.

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

III. RECOMMENDED PERMIT CONDITIONS

Staff recommends **approval** of the request subject to compliance with all applicable codes, 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 48 patrons. (P&Z)
3. No outside dining facilities shall be located on the premises. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. The closing hour shall be no later than 12:00 midnight daily. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)

7. Sale of alcoholic beverages shall be prohibited. (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z)
9. 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)
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. The applicant shall install one trash container both inside and outside the restaurant for patron's use. (P&Z)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
13. 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)
14. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
15. 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)
16. 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)
17. 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)

18. 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)
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 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 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 The current use is classified as B-Business; the proposed use is A-Assembly. 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 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-4 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-5 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-6 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- C-7 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-8 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-9 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. 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.
- F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs with this. If in the future the applicant does seek an A.B.C. permit, recommendation number three listed above would be the Police Department recommendation.

REPORT ATTACHMENTS AVAILABLE IN THE PLANNING AND ZONING OFFICE