

Docket Item #15
SPECIAL USE PERMIT #2004-0025

Planning Commission Meeting
June 1, 2004

ISSUE: Consideration of a request for a special use permit amendment to change the ownership, hours of operation and increase seating at a restaurant.

APPLICANT: Paula Coletto

LOCATION: 251 West Glebe Road (Parcel Address: 221 West Glebe Road)

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, Paula Coletto, requests a special use permit amendment to change the ownership, and to increase the hours of operation and the seating for the restaurant located at 251 West Glebe Road (Parcel Address: 221 West Glebe Road).

SITE DESCRIPTION

The subject property is a large, oddly shaped lot at the corner of West Glebe Road and Mount Vernon Avenue. It has approximately 445 feet of frontage on West Glebe and 72 feet of frontage on Mount Vernon Avenue; its two additional sides are each approximately 250 feet long. The total size of the parcel is 102,999 square feet, or almost three acres.

The site is developed with a large (former Safeway) grocery store building of approximately 20,000 square feet. The structure is divided into three tenant spaces, which are currently occupied by a Dollar Plus store in the center portion, the Empire Buffet restaurant at the east end and the Gourmet Market at the west end of the building. The Gourmet Market occupies approximately 5,000 square feet and is the subject of this application. The remainder of the site is asphalted for parking. There is access to the site from West Glebe Road and from Mount Vernon Avenue.

SURROUNDING USES

A Wachovia Bank is located to the south of the site along Mount Vernon Avenue. Across Glebe Road to the south is the Foodway grocery store and the Oshinsky shopping center, which contains a 7-Eleven, two restaurants, and a grocery store. Across Mount Vernon Avenue to the east is Greg's Automotive, the terminus of Reed Avenue and the Birchmere parking lot. North along Mount Vernon Avenue are several smaller uses, including a Peruvian restaurant (operated by the applicant) and a hair salon. Immediately to the west on Glebe Road is St. Rita's School.

EXISTING USE

The subject tenant space is currently occupied by a retail food store known as the 'Gourmet Market'. In addition to its retail component, which entails the sale of fresh produce, seafood, deli meats, cheeses, breads and beer and wine, the business has a restaurant component that includes 20 indoor seats, carryout and coffee service. The business is operated between 8:30 A.M. and 9:30 P.M. daily.

PROPOSED USE AND SUP AMENDMENTS

The applicant seeks approval to change the restaurant's ownership and operation in order to convert the existing food store/carryout into a family-type restaurant with table and carryout service, serving international cuisine (see attached menu).

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Employees/patrons: The applicant proposes to increase the seating by 60 seats in order to provide a total of 80 seats. The subject space is approximately 5,000 square feet in size and therefore provides sufficient space for additional seating. Up to six employees will be present at any one time.

Hours of Operation: The existing restaurant is permitted to operate between 7:30 A.M. and 10:00 P.M. The applicant proposes to reduce the hours of operation to between 11:00 A.M. and 9:00 P.M., Sunday through Thursday, and to extend the hours to between 11:00 A.M. and 1:00 A.M., Friday and Saturday.

Entertainment: The applicant proposes to provide occasional live entertainment in the form of Latin American Folk Music.

Trash: Trash will mainly consist of glass, cardboard and food waste and will be collected twice a week. The business management will prevent littering by providing trash cans and by monitoring the property on a regular basis.

Alcohol Sales: The applicant seeks permission for a full ABC license for on-premise consumption, in addition to the already granted off-premise license.

No additional changes to the restaurant are proposed.

HISTORY & CONTEXT

City Council approved two special use permits for this site in 2002. One was for the tenant space that the applicant seeks to fill, originally approved for the retail/restaurant Gourmet Market (SUP#2001-0119). The second approval was for the Empire Buffet restaurant (SUP #2001-0120). The two restaurant uses plus the Dollar Store in the center tenant space were intended to occupy the building on an interim basis. The long term goals for the Upper Potomac West neighborhood include the redevelopment of both the Safeway and the Datatel sites with a large mixed use building complex, as a strong focal point for the revitalization of the neighborhood. With the owner of the Safeway site still committed to the redevelopment of the site, staff notes that Condition #19 of the original approval requires each SUP to be redocketed for approval in 2007, so that at that time the climate for redevelopment and the landlord's intentions can be reassessed.

SITE IMPROVEMENTS

Because of the importance of this site to the neighborhood, and because the large parking lot is so unfriendly to the pedestrian environment which the City is trying to strengthen in the neighborhood, an extensive site improvement plan was required as part of the original SUP approvals. The City required and the applicant agreed to do each of the following improvements. Although it has taken a long time to perform the work, staff has worked with the prior applicants to achieve the following:

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- a) Redesign of parking lot: The applicant has closed one of the two curb cuts on Glebe Road, introduced landscaped islands, curbing and wheel stops within the parking lot in an effort to deter cut through traffic from traversing the site. The redesign increased the number of parking spaces.
- b) Landscaping: Landscaping for the entrance area at Mount Vernon Avenue, and along West Glebe Road has been installed. These areas are the ones most visible to both vehicular and pedestrian passersby, and will screen the large parking lot from the outside. Within the parking lot, a few interior tree islands were added in order to break up the large asphalt area.
- c) Signage: A tall freestanding sign at the Mount Vernon Avenue entrance has been removed.
- d) Screening around transformers: At the Mount Vernon Avenue entrance are two large electric transformers which were a very unattractive feature and detracted from the street experience at that location. Staff proposed that the applicant erect a brick wall surrounding the transformer structures, which would then become a good location for new signage.
- e) Lighting: Staff recommended that all exterior light fixtures be repaired.

Staff inspected the site on May 17, 2004 and found that all required site improvements are completed.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant with 80 seats is required to provide 20 parking spaces (one space for each four seats). The lot currently contains 133 parking spaces. 120 spaces are required for the two existing and the proposed use in the building (Empire Buffet: 50, Dollar Plus store: 50, Proposed Restaurant: 20). Therefore, the applicant meets and exceeds the technical parking requirement.

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 generally consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial uses, and seeks active, pedestrian friendly businesses along Mount Vernon Avenue. Restaurants are consistent with those goals, although the existing structure and parking lot are not.

II. STAFF ANALYSIS

Staff supports the concept of the proposed restaurant at 251 West Glebe Road. Staff believes that the applicant, who is operating a popular Peruvian restaurant on the adjacent property, will improve the establishment and attract more people to this rather neglected part of the Arlandria neighborhood.

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The fact that the restaurant hopes to attract families, offering entertainment and moderately priced meals, should appeal to many residents in the surrounding neighborhoods.

In regards to the closing hours, staff recommends extending the closing hour to 1:00 A.M. daily in order to provide more flexibility to the applicant. Staff does not anticipate a negative impact to arise from a later closing hour because the site is located at a busy intersection and no residences are located in the immediate proximity.

Staff has included a time frame for the special use permit, requiring it to come back for hearing and renewed consideration at the end of five years. By including that condition, staff is indicating its long term goal and commitment to a plan to redevelop this site.

In addition, staff has included the standard restaurant conditions and a one year review condition, so if there are problems within that time or the need for additional conditions, there will be an opportunity to impose them.

With these conditions, staff recommends approval of the restaurant.

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) (SUP#2001-0119)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than 20 ~~80~~ patrons. (P&Z) ~~(SUP#2001-0119)~~ (P&Z)
3. **CONDITION AMENDED BY STAFF:** ~~No live entertainment shall be provided.~~ Indoor live entertainment shall be permitted to the extent that no amplified sound is audible outside the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) ~~(SUP#2001-0119)~~ (P&Z)
4. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 7:30 A.M. to ~~10:00 P.M.~~ 1:00 A.M. daily. ~~(City Council)~~ ~~(SUP#2001-0119)~~ (P&Z)

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5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2001-0119)
6. **CONDITION AMENDED BY STAFF: On premise sale of alcoholic beverages is permitted. The off premise sale shall be limited to the following: 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. (P&Z) (SUP#2001-0119) (P&Z)**
7. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2001-0119)
8. 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#2001-0119)
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) (SUP#2001-0119)
10. The applicant shall obtain, at its expense, one Model SD-42 Bethesda Series trash container to be placed on the adjacent right-of-way on West Glebe Road. (T&ES) (PC) (SUP#2001-0119)
11. The applicant shall install at least one trash container on-site near the front of the building for customers' use. (P&Z) (SUP#2001-0119)
12. **CONDITION AMENDED BY STAFF: All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (P&Z) (SUP#2001-0119) (T&ES)**
13. The applicant shall require that its employees who drive use off-street parking. (City Council) (SUP#2001-0119)
14. **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 and a robbery awareness program for all employees prior to operation. (Police) (SUP#2001-0119) (Police)**

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15. **CONDITION DELETED BY STAFF:** ~~Within one year six months of approval, the applicant shall make site improvements to the subject property generally consistent with the attached proposed staff approved plan for SUP#2001-0019, and shall submit its work plan to staff for approval prior to undertaking the work, which shall include at a minimum:~~
- ~~a) — repairs to the existing driveway apron and trench drain on the Mt. Vernon Avenue access;~~
 - ~~b) — repair of the damaged and inoperable site lighting fixtures in the parking lot and mounted on the building;~~
 - ~~c) — closing of the eastern most curb cut on the West Glebe Road frontage;~~
 - ~~d) — removal of the freestanding, pole sign;~~
 - ~~e) — removal of the pay telephones on the West Glebe Road frontage;~~
 - ~~f) — installation and perpetual maintenance of landscaping as outlined in the staff proposed plan, with the screening next to St. Rita School to be designed in consultation with Planning staff and representatives of St. Rita's.~~
 - ~~g) — installation of wheel stops or curbing in the northernmost double row of parking spaces, in order to prohibit cut through traffic.~~
 - ~~h) — installation of a pedestrian path connecting the Mount Vernon Avenue entrance and the building, with details to be worked out by staff. (P&Z) (T&ES) (PC) (SUP#2001-0119)~~
16. All exterior building work, signage and site work shall be consistent with the Mount Vernon Avenue Design Guidelines, as determined by the Director of Planning and Zoning. (P&Z) (SUP#2001-0119)
17. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2001-0119)
18. **CONDITION AMENDED BY STAFF:** 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 ~~and smoke from the property to prevent them from becoming~~ a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2001-0119) (T&ES)

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19. The special use permit shall be redocketed for consideration five years from the date of approval to assess the feasibility and timing of redevelopment based on the market evaluation of economic feasibility of redevelopment undertaken by the City and the property owner pursuant to a separate agreement reached by those parties. (P&Z) (SUP#2001-0119)
20. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after the business becomes operational 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 of the permit conditions, 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#2001-0119)~~ (P&Z)
21. **CONDITION AMENDED BY STAFF:** Loading and unloading at the rear loading dock shall be limited to between ~~9:30~~ 8:00 A.M. and 4:30 P.M. ~~(PC) (SUP#2001-0119)~~ (P&Z)
22. **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 SUP provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z)
23. **CONDITION ADDED BY STAFF:** 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)

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24. **CONDITION ADDED BY STAFF:** The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)

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 The current use is classified as M - Mercantile; 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 This structure contains mixed use groups [M, Mercantile; A, Assembly] and is subject to the mixed use and occupancy requirements of USBC.
- C-3 Alterations to the existing structure 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. 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-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 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 Permits are non-transferable.
- C-3 This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 703-838-4400 Ext. 255 to arrange for a "change of ownership" inspection.

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- C-4 If changes to the facility are to be done, five sets of plans must 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-5 Permits must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- F-1 This facility is currently operating as a seafood market under an Alexandria Health permit, issued to Pamela Cheng, et. al.
- 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 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.
- 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.

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REPORT ATTACHMENTS AVAILABLE IN THE PLANNING AND ZONING OFFICE