

Docket Item #2
SPECIAL USE PERMIT #2004-0048

Planning Commission Meeting
September 9, 2004

ISSUE: Consideration of a review for a special use permit for a restaurant.

APPLICANT: Ruffino's Restaurant
by Romas and Robin Gomez

LOCATION: 1225 Powhatan Street

ZONE: RB/Townhouse zone

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.

SITE GRAPHIC

I. DISCUSSION

REQUEST

The applicant, Robin Gamzeh and Roma's Inc., requests approval of a review of a nonconforming restaurant located at 1225 Powhatan Street, previously the site of the Dixie Pig restaurant.

PROPERTY DESCRIPTION

The subject property consists of one lot of record and an outlot. The two lots have a combined area of approximately 7,473 square feet, 50 feet of frontage on Powhatan Street, 163 feet of frontage on Bashford Lane, and 48 feet of frontage on Portner Road. There are nine parking spaces on the lot; no parking is permitted in front of the building. The restaurant is located in a residential area.

BACKGROUND

The most recent SUP was approved by City Council on June 3, 2003, for a review of the restaurant. The current owners of the restaurant, Robin Gamzeh and Romas Inc., trading as Ruffino's, were originally approved in June 12, 2001, to operate the Italian restaurant called "Ruffino's". The restaurant was not open at the time of the one year review, and was still not operating when reviewed by Council in June 2003. According to the applicant, he had trouble with his contractor which delayed the construction process. The restaurant opened in March of 2004, and the case is before Council because of Condition #20, which requires an annual public hearing review of the operation.

REVIEW

Since approval in June 2003, staff has received some complaints regarding the business, including late night trash pick up, overgrown weeds and poorly maintained landscaping, an overflowing dumpster, and the loss of the historic sign on the property. Most of the complaints were from the time when the restaurant was still under renovation and prior to the restaurant opening. In addition, staff inspected the premises on April 30, 2004, for compliance with conditions of the special use permit and found the following violations: Condition #3 requiring a trash container in the parking lot for customer use, Condition #15 requiring that the applicant contact the Police Department for a security survey and robbery awareness program, Condition #33 requiring that the applicant work with neighbors and staff to identify alternative opportunities to reuse the original sign, and Condition #34 requiring that the applicant maintain a parking arrangement for five off-street parking spaces.

Staff reinspected the premises and found that the applicant had corrected its violations regarding the trash can and contacting the Police Department for a security survey. Regarding the maintenance of the historic sign required in Condition #15, the applicant informed staff that the original sign had been disposed of by the sign company who claimed that it was well beyond repair. Regarding the required parking spaces in Condition #34, the applicant secured an arrangement for an additional five spaces at Caffi Plumbing and Heating, Inc. located across the street immediately to the north. The business owner submitted a letter confirming that spaces were available for use by the restaurant, and staff also spoke with the owner of the business to confirm the arrangement.

ZONING

The subject property is located in the RB/Townhouse zone. A restaurant is not a permitted use in the RB zone. Section 12-210 of the zoning ordinance allows the continuation of nonconforming uses beyond December 28, 1991 only with a special use permit.

MASTER PLAN

The proposed use is inconsistent with the Northeast Small Area Plan chapter of the Master Plan which designates the property for residential use.

II. STAFF ANALYSIS

Staff supports the continued operation of the restaurant located at 1225 Powhatan Street. The restaurant has been open only a short time, and although there have been a few complaints, they were made when the restaurant was not yet operating. Staff observed a few violations during the inspection, which the applicant was able to correct in a timely manner.

Staff is concerned about the unfortunate loss of the historic sign. According to the applicant, the sign company was not responsive to their request to maintain the sign. Staff spoke with the sign company who stated that the sign could not be repaired. Staff maintains its recommendation that the reproduction sign be maintained.

Staff has updated the condition regarding landscaping because a sidewalk was recently installed along the Bashford frontage, altering what was the required landscape plan. Staff recommends that the applicant maintain all landscaping on the property, which shall include the grass strips on Bashford and Portner, pursuant to a plan approved by the Director of Planning and Zoning. Staff also recommends painting the rooftop screening consistent with the dumpster screening, to which the applicant has agreed. Staff has deleted two conditions that are completed items.

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

III. STAFF RECOMMENDATION

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The restaurant shall contain a maximum of 53 seats. (PC) (SUP #97-0126)
2. The hours of operation shall be limited to 7:00 A.M. to 9:00 P.M., Monday through Thursday, and 7:00 A.M. to 10:00 P.M. Friday through Sunday. (PC) (SUP #97-0126)

3. At least one trash container shall be located in the parking area for use of patrons. The container shall not be permitted to overflow, and the area around it must be kept clean. (P&Z) (SUP #2413)
4. Condition deleted. (SUP #99-0139)
5. Litter on the site and on the public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, or more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2413)
6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2413)
7. 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 #96-0122)
8. The nonconforming use shall be extended until either City Council takes further action or five years from October 2001, whichever occurs first. (CC) (SUP #2000-0083)
9. The special use permit shall be granted to the applicant only, namely, Robin Gamzeh and Roma's Inc., and only as long as the corporation is owned and controlled by Robin Gamzeh and Hossein Rad. (P&Z) (SUP #2001-0017)
10. Kitchen equipment or other types of equipment shall not be cleaned outside, nor shall any cooking residue or other wastes be washed into the streets, alleys, sidewalks or sewers. (T&ES) (SUP #2001-0017)
11. No music or amplified sound shall be audible at the property line. (P&Z) (SUP #2413-C)
12. No outside dining facilities shall be located on the premises. (P&Z)(SUP #2413-C)
13. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2413-C)
14. An amendment to the special use permit will be required if there is any change either to the ownership or to the lessee. (CC) (SUP #2413-C)

15. The new applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees. (P&Z) (SUP #2001-0017)
16. Applicant will work with the civic association and obtain staff approval regarding any sign replacement. (CC) (SUP #96-0122)
17. The applicant shall control odors, smoke, and any other air pollution from operations at the site and from the property to prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the T&ES Division of Environmental Quality. (T&ES)
18. Condition deleted. (SUP #99-0139)
19. Condition deleted. (SUP #2001-0017)
20. The Director of Planning and Zoning shall annually review this particular application and docket it for consideration by the Planning Commission and City Council. (CC) (SUP #2000-0083)
21. Condition deleted. (SUP #2001-0017)
22. See consolidated parking condition #34. (SUP #2001-0017)
23. Condition deleted. (SUP #2000-0083)
24. The applicant shall have its trash removed only between the hours of 9:00 a.m. and 11:00 a.m. daily. (P&Z) (SUP #2001-0017)
25. **CONDITION AMENDED BY STAFF:** The applicant shall maintain in good condition all landscaping on the property, which shall include watering on a regular basis, removing and replacing dead plantings as needed, and pulling weeds and mowing grass strips on a regular basis. ~~The applicant shall replace any dead plantings in the landscaping beds pursuant to a plan approved by the Director of Planning and Zoning. Plants shall be installed within 30 days of City Council approval. Thereafter, the landscaping shall be maintained in good condition.~~ (P&Z) (SUP #2001-0017)

26. **CONDITION AMENDED BY STAFF:** The applicant shall ~~repair the dumpster screening and shall~~ paint the rooftop equipment screening consistent with the dumpster screening within 45 days of this approval, and shall thereafter maintain the dumpster and rooftop equipment screening in good condition to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2001-0017)
27. See consolidated parking condition #34. (SUP #2001-1107)
28. The applicant shall provide a public sidewalk easement on the Bashford Lane side of the property to allow the construction of a five foot wide walkway adjacent to the curb. (T&ES) (SUP #2001-0017)
29. **CONDITION DELETED BY STAFF (condition completed):** The applicant shall ~~grant a temporary construction easement on the Powhatan Street frontage to enable the City to install improvements to the right-of-way to enhance pedestrian and vehicular circulation pursuant to a plan prepared by the Department of Transportation and Environmental Services and attached to this report. The City reserves the right to make minor adjustments to the plan to accommodate drainage and utilities.~~ (T&ES) (SUP #2001-0017)
30. Condition deleted. (PC)
31. Loudspeaker(s) shall not be installed on the exterior of the building. (SUP #2001-0017)
32. See consolidated parking condition #34. (SUP #2001-0017)
33. **CONDITION AMENDED BY STAFF:** The applicant shall maintain the Dixie Pig reproduction sign in good condition in a design consistent with the original sign to the satisfaction of the Director of Planning and Zoning. ~~The applicant shall work with neighbors and staff to identify alternative opportunities to reuse the original sign.~~ (PC)
34. Parking shall be provided as follows:
 - A. The applicant shall provide no fewer than 14 off-street parking spaces. At least nine of the spaces shall be located on-site in well striped spaces. Five or more spaces shall be located at the Alexandria Executive Club Suites, and shall be available for use between 5:00 p.m. and 10:30 p.m. daily. The Director of Planning and Zoning may approve a reasonably equivalent alternative location for the off-site spaces.

- B. The applicant shall not permit parking on its property in front of its building and shall also post signs saying “Parking Not Permitted in front of the building.”
 - C. The applicant shall require that its employees who drive to work use off-street parking. (City Council) (SUP #2001-0017)
35. ~~**CONDITION DELETED BY STAFF: If construction activity is not complete and satisfactory and the restaurant is not in operation by, December 31, 2003, this permit shall be null and void, unless it is extended with approval by City Council. (PC)**~~

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Valerie Peterson, Urban Planner.

Staff Note: 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.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

F-1 No comments.

Code Enforcement:

F-1 3 complaints were received over the past year concerning the property. They are listed as follows:

- CMP2003-02106 - 6/9/03 - Tall grass and weeds - Abated 6/18/03
- CMP2003-02757 - 7/18/03 - Overflowing Dumpster - Abated 7/23/03
- CMP2003-03170 - 8/18/03 - Overgrown grass - Unfounded.

Health Department:

F-1 No objections to continued use.

Police Department:

F-1 The security survey and robbery awareness programs have been completed.