

Docket Item #3
SPECIAL USE PERMIT #2004-0079

Planning Commission Meeting
November 4, 2004

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

APPLICANT: Kuang Hui Li

LOCATION: 4551 Duke Street
(Parcel Address: 4513 Duke Street)

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, Kuang Hui Li, requests special use permit approval to operate a restaurant located at 4551 Duke Street, within the Fox Chase Shopping Center.

SITE DESCRIPTION

The subject property is two lots of record having combined frontage on Duke Street of approximately 800 feet, approximately 230 feet of frontage on North Jordan Street, and a total area of 10.4 acres. The site is developed with the Fox Chase Shopping Center that has a mixture of uses, including personal service, office, retail and grocery store tenants. Parking is provided on-site. The proposed restaurant will occupy 1,100 square feet of a former 4,424 square feet Chinese restaurant space.

The areas to the north and east are developed with the Fox Chase Apartment buildings. The City's Raleigh Park is located to the northwest. A restaurant and the 4600 Duke Street Condominium Building are located to the south across Duke Street.

PROJECT DESCRIPTION

The applicant proposes to operate a dine-in and carry-out restaurant known as "Hong Kong Express" with 12 seats.

Hours of Operation: The restaurant is proposed to be open from 11:00 A.M. to 12:00 midnight, Monday through Saturday, and from 11:00 A.M. to 10:00 P.M. on Sunday.

Employees/patrons: The business will be operated by three to four employees. The applicant anticipates approximately 100 patrons daily.

Trash: Paper cups, wrappers, boxes and food waste constitute the majority of the garbage generated by the restaurant. Trash is disposed of in the on-site dumpster and will be picked up twice a week. Littering will be monitored by the business management and sufficient trash cans will be provided on the premises.

Loading: Loading is anticipated to occur four times per week in the morning and early afternoon. The loading area is located at the rear of the building.

Neither alcohol service, nor entertainment are proposed for this restaurant.

PARKING

Parking for all tenants of the Fox Chase Shopping Center is provided on the on-site parking lot facing Duke Street. Pursuant to Section 8-200(A)(8) of the zoning ordinance, a restaurant with 12 seats is required to provide three parking spaces. The Shopping Center currently has more than 700 parking spaces, 26 of which are designated for the tenant space at 4551 Duke Street. Because the applicant is proposing to occupy 25 % of the original space, the same percentage of parking spaces (25% of 26 = 6.5 spaces) remains available to the proposed restaurant. Therefore, the technical parking requirement is easily met

POTENTIAL REDEVELOPMENT

In June 2004, the City received DSP#2004-0025, a request to redevelop the Fox Chase Shopping Center. The proposal includes major site, facade and landscape improvements and tenant space modifications that would replace the Magruders Supermarket with Harris Teeters and convert the Cinema into retail space. As part of the Transportation Management Plan (SUP#2004-0097) that will be required for the redevelopment, staff will work with the applicant to encourage pedestrian activity while improving the pedestrian safety, on-site parking, and traffic flow.

ZONING/MASTER PLAN DESIGNATION

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

II. STAFF ANALYSIS

Staff has no objection to the proposed restaurant located within the Fox Chase Shopping Center. The restaurant is compatible with the other retail, personal service and restaurant uses envisioned as tenants of the ground floor retail spaces of shopping center and supports the proposed redevelopment of the site towards a more pedestrian friendly shopping environment.

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 12 patrons inside and outside. (P&Z)
3. Outside dining facilities may be located on private property and shall not encroach onto the public right-of-way. The applicant shall ensure that pedestrian access is provided past the outdoor seating and shall clean the seating area at the close of each day of operation. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. No delivery service shall be provided. (P&Z)
6. The closing hour shall be 12:00 midnight daily. (P&Z)
7. 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)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
9. Alcoholic beverages shall not be sold. (P&Z)
10. No food, beverages, or other material shall be stored outside. (P&Z)
11. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z)
12. 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)

13. 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)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
15. 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)
16. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES)
17. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
18. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees prior to operation. (Police)
19. Employees who drive to work are required to use off-street parking. (P&Z)
20. 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)
21. 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)

22. 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;
Bettina Irps, Urban Planner.

StaffNotes: 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 The submitted application proposes to utilize one portion of a combined tenant space operating under a Certificate of Occupancy with a larger occupant load based on the combined tenant spaces. While the proposed and previous uses are consistent, a building permit and a new certificate of occupancy with a new occupant load is required in order to be compliant with the modification to the existing tenant space.
- 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 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 119.0.
- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- 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 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.
- F-1 The applicant is not requesting an BC permit. The Alexandria Police Department concur with this. If in the future an ABC permit is requested the following applies:

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.