

Docket Item #7
SPECIAL USE PERMIT #2004-0085

Planning Commission Meeting
November 4, 2004

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

APPLICANT: Golden Lily Foods Corp.
by Cam T. Luu

LOCATION: 820 S. Pickett Street

ZONE: I/Industrial

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, Golden Lily Food Corp., by Cam T. Luu, requests special use permit approval for the operation of a carry-out restaurant located at 820 S. Pickett Street.

SITE DESCRIPTION

The subject property is one lot of record with 210 feet of frontage along South Pickett Street, a depth of 426.5 feet, and an area of 108,730 square feet. A 32,300 square foot one-story industrial building occupies the lot. Uses in the building include a bird cage manufacturer, a roofing material company, and the subject Asian food business. The proposed restaurant will occupy 480 square feet of the existing food company and in a space closest to Pickett Street.

BACKGROUND

On September 14, 1985, City Council granted Special Use Permit #1826 for a similar carry-out restaurant operation at the same location. That restaurant ceased operation several years later, and on May 13, 1995, City Council again approved a carry-out restaurant at the same location. The restaurant again ceased operation, and the applicant would now like to reopen the carry-out restaurant.

PROPOSAL

The current proposal would allow the food company to sell prepared food from its manufacturing business including sandwiches, soup, and cakes, as well as some packaged food such as candy, crackers, and soft drinks for carry-out. The applicant states that he will not sell alcohol, beer or wine and will not provide seats for customers. According to the applicant, the restaurant will serve the surrounding industrial area. The hours of operation are proposed to be 6:30 a.m. to 6:30 p.m. Monday through Friday, and 9:30 a.m. to 5:00 p.m. Saturday and Sunday. The applicant also proposes to offer delivery service, with one vehicle.

PARKING

Pursuant to Section 8-200 (A) (8) of the zoning ordinance, a restaurant with 700 square feet of area will require five parking spaces. According to site plan #68-036, there are 71 parking spaces available for the building.

Uses located in the building are allocated parking spaces as follows:

Industrial uses other than long term storage	31,600 sq. ft.	63 spaces
Proposed Carry-out Restaurant	480 sq. ft.	<u>3 spaces</u>
Total Spaces Required:		66 spaces
Total Spaces Provided:		71 spaces

Parking provided on the premises is ample for the proposed use, including for the delivery vehicle.

ZONING/MASTER PLAN DESIGNATION

The subject property is zoned I/Industrial. Section 4-1203 (R.1) of the zoning ordinance allows restaurants in the I zone only with a special use permit. The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property I/Industrial.

II. STAFF ANALYSIS

Staff does not object to the proposed restaurant at this location. A restaurant has been approved twice at this location, and staff is not aware of any issues with those operations at this location. The restaurant will serve workers in the surrounding industrial area, and there are no residential uses immediately adjacent that would be impacted by the use. There is ample parking for the restaurant and the other uses in the building. Staff recommends approval subject to the recommended conditions.

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. No seating, tables or stand-up counters that encourage eat-in dining shall be allowed. (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 9:00 p.m. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
6. No alcoholic beverages shall be sold. (P&Z)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. Trash and garbage shall be stored inside or in a dumpster. (P&Z)

9. 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 containers 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. 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 cooking 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 & Environmental Services. (T&ES)
13. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
14. 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)
15. 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 Fogarty, Director, Department of Planning and Zoning;
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:

- 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.
- 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 cooking 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 & Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 No amplified sounds shall be audible at the property line.

Code Enforcement:

- F-1 There is no proposed seating included in this application. Therefore a Fire Prevention Permit is not required.
- C-1 The current use is classified as F-1, Factory; the proposed use is B, Business. 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 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design

professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.

- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 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-7 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 119.0.
- C-8 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-9 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-10 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-11 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 ABC permit. The police concur with this. If in the future they do request an ABC permit the following recommendations apply:

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.