

Docket Item #2
SPECIAL USE PERMIT #2004-0092

Planning Commission Meeting
December 7, 2004

ISSUE: Consideration of a request for a special use permit amendment to allow the sale of beer and wine on-premises and to extend the hours of operation at a restaurant.

APPLICANT: Caboose Bakery, LLC
by Lonnie Rich

LOCATION: 2419 Mt. Vernon Avenue

ZONE: CL/Commercial Low

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
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Caboose Bakery, LLC, requests special use permit approval to extend the hours of operation and allow on-premise beer and wine at a restaurant located at 2419 Mt. Vernon Avenue.

SITE DESCRIPTION

The subject property is part of one lot of record with 230 feet of frontage on Mt. Vernon Avenue, 190 feet of frontage on East Oxford Avenue, 200 feet of frontage on East Uhler Avenue and a lot area of 44,943 square feet. The property is developed with a two story commercial building, a surface parking lot with approximately 65 spaces and an underground parking garage. Surrounding uses are a mix of commercial, office, and residential.

BACKGROUND

On September 13, 1997, City Council approved a restaurant of 16 seats called Anne Meme's at the subject location. Since that time, City Council approved amendments to increase the seating, add outdoor seating, and provide live entertainment. The ownership has also changed several times. The most recent change of ownership was approved in the summer of 2004, and the restaurant is now known as Caboose Bakery (SUP#2004-0054). Staff is not aware of any complaints at this restaurant. On November 17, 2004, staff inspected the restaurant and found that the applicant did not have parking information posted on the premises as required, which was corrected.

PROPOSAL

The applicant requests an extension of the hours of operation to 12:00 midnight daily. The applicant does not propose a change in the closing hours of the outdoor seating area, which is 10:00 p.m. The applicant is requesting the change not because of current plans to be open later, but to give flexibility for special events or the possibility of a permanent future extension of the hours. The applicant is also requesting SUP approval for on-premise beer and wine service.

PARKING

A parking reduction of twelve spaces was granted by City Council for the number of seats at the restaurant, which is not proposed to change (SUP#98-0015, SUP#97-0082). There are 12 spaces in the lot behind the restaurant which are allocated by the landlord for use on a first come, first serve basis by all the commercial tenants of the building.

ZONING/MASTER PLAN DESIGNATION

The subject property is zoned CL/Commercial Low. Section 4-103(M) of the zoning ordinance permits restaurants in the CL zone only with a special use permit. The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff does not object to the applicant's request for extended hours and on-premise beer and wine service. The request is consistent with other restaurants on Mt. Vernon Avenue including Evening Star, Fireflies, and Los Tios. A parking reduction was previously granted for the bakery, and staff is not aware of parking issues associated with the use. Although the applicant is not requesting to extend the hours of the outdoor dining area, staff updated the hours to be consistent with those of Evening Star.

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) (SUP #97-0082)
2. Seating shall be provided for no more than 32 patrons indoors. (P&Z) (SUP #98-0015)
3. Seating shall be provided for no more than 16 patrons outdoors. (P&Z) (SUP #98-0015)
4. Live entertainment shall be limited to acoustic, non-amplified music. Microphones shall not be used. Advertising that features entertainment as a destination is prohibited. No admission or cover fee shall be charged. Live entertainment shall be limited to inside the restaurant only, and shall not be permitted in the outdoor seating area. (P&Z) (SUP #98-0015)
5. **CONDITION AMENDED BY STAFF:** ~~The hours of operation shall be limited to 6:00 a.m. to 10:00 p.m., Monday through Friday, 7:00 a.m. to 10:00 p.m. Saturday, and 8:00 a.m. to 7:00 p.m. Sunday closing hour shall be no later than 12:00 midnight, daily. The hours of operation for outdoor seating shall be limited to between 6:00 a.m. to 9:00 p.m. Monday through Friday, between 7:00 a.m. to 10:00 p.m. Saturday, and 8:00 a.m. to 7:00 p.m. Sunday. Outdoor seating shall be cleared of patrons by 9:00 p.m. and the area shall be cleaned and washed before 10:00 p.m. The closing hours for the outdoor dining area shall be 10:00 P.M., daily. The outdoor dining area~~

shall be cleared of all diners by 10:00 P.M. and the area cleaned and washed by 10:30 P.M. (P&Z) (SUP #98-0015)

6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP 97-0082)
7. **CONDITION AMENDED BY STAFF: On-premise beer and wine sales are permitted. Off-premise sales are not permitted. Alcoholic beverages are not permitted.** (SUP 97-0082) (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP 97-0082)
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 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 97-0082)
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) (SUP 97-0082)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP 97-0082)
12. **CONDITION AMENDED BY STAFF: Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line.** (P&Z) (SUP 97-0082) (P&Z)
13. The applicant shall assist and require its employees who drive to use off-street parking. (P&Z) (SUP 97-0082)
14. Any exterior renovations shall be consistent with the Mt. Vernon Avenue Design Guidelines. (P&Z) (SUP 97-0082)
15. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program. (Police) (SUP#2003-0010)

16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental services. (T&ES) (SUP#2003-0010)
17. The applicant shall post signs directing customers to the locations of available nearby off-street parking. (P&Z) (SUP 97-0082)
18. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year from this 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) (~~SUP #98-0015~~) (Police)
19. **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)
20. **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)

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:

- C-1 A new fire prevention permit is required due to the change in ownership.

Health Department:

- F-1 No comments.

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.

SUP#2004-0092
2419 Mt. Vernon Avenue

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**