

Docket Item #5
SPECIAL USE PERMIT #2004-0103

Planning Commission Meeting
December 7, 2004

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

APPLICANT: Neighborhood Restaurant Group
by Stephanie Babin

LOCATION: 1550/1551 Potomac Greens Drive (parcel address)

ZONE: CDD-10/Coordinated Development District (Potomac Yard/Greens)

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Neighborhood Restaurant Group, requests special use permit approval for a new restaurant to be located in Potomac Plaza at 1550-1551 Potomac Greens Drive (parcel address).

SITE DESCRIPTION

The subject property is a yet to be constructed commercial development on Slater’s Lane, known as Potomac Plaza, and approved last year as part of the Potomac Greens residential portion of the Potomac Yard development scheme. See DSUP #2002-0028. The proposed restaurant will be located at the eastern corner of Slater’s Lane and Potomac Greens Drive, a new road extension under construction right now. It will occupy a retail space that includes approximately 3,552 square feet of floor space.

The new Potomac Plaza development will include 15,000 square feet of single-story retail/restaurant development in two buildings flanking Potomac Greens Drive. The new buildings will include detailed facade treatment, an architectural tower feature at the corner, extensive sidewalk and streetscape improvements, 1.5 acres of landscaped open space and parking in the rear of the buildings. The eastern building is the larger of the two, with approximately 9,280 square feet of floor space, and 86 feet of frontage along Slater’s Lane. The smaller building, to the west of the new intersection, provides 59 feet of frontage on Slater’s Lane and includes approximately 5,720 square feet of retail space. The new buildings and the road extension are currently under construction. Other potential tenants in the two buildings include a coffee shop, a salon, an eyeglass store, a sandwich shop, and other small convenience retail uses.

Surrounding the subject property are residential uses to the south, and the north. The Potomac Yard property to the west will be developed with both residential and commercial uses, and the property to the east is currently service and residential uses.

PROJECT DESCRIPTION

The applicant, the owner of the Evening Star and Vermillion restaurants in Alexandria, proposes to create a new restaurant, Rustico, in this new retail development. The moderately priced restaurant will feature a wood burning oven and grill, and the menu will emphasize those cooking methods, including gourmet pizzas, sandwiches and grilled foods. The restaurant includes the following features:

Number of Seats: The new restaurant will include 150 seats, including a dining area, outdoor dining space, and a bar.

- Hours: The restaurant proposes to open at 8:30 a.m. and remain open until midnight on Sunday through Thursday nights, and until 1:00 a.m. on Friday and Saturday nights.
- Entertainment: The applicant hopes to have entertainment similar to the entertainment at the Evening Star: small local bands performing once or twice a week. A cover charge will not be applied.
- Retail Shop: A portion of the space will be used for a gourmet shop, offering specialty beers and a limited wine inventory, as well as take out items from the restaurant menu.
- Takeout Service: The restaurant intends to have a takeout cashier in the shop for walk up service, as well as for customers who call ahead. In the future, the applicant hopes to be able to arrange for employees to walk takeout orders from the store to a customer's car.
- Alcohol: The restaurant will include a bar and will serve wine, beer and mixed drinks. Off-premise wine and specialty beers will be sold from the store.
- Number of Employees: The applicant estimates that there will be six employees during the day shift and a maximum of ten employees to serve the dinner shift.
- Trash: The trash and garbage generated by the use will be food wastes, discarded packaging and bottles, and will be placed in the dumpster behind the building.
- Litter The restaurant will not be the type to generate significant litter; the applicant indicates however that employees will be assigned to monitor and clean litter as required to keep the property exterior clean.
- Loading: The applicant will use the loading space located directly behind the restaurant for deliveries to the restaurant for what it expects to be two to four deliveries each day, expected to occur between 8:00 a.m and 2:00 p.m., daily.
- Deliveries: The restaurant intends to make deliveries available on a limited basis, using one van, which is also used for its other restaurants, for that purpose.

Parking: The development includes 68 parking spaces located behind both buildings. The number of spaces provided was determined by assuming a retail parking ratio for all of the 15,000 square feet of space. A restaurant with 150 seats is required to provide 38 spaces. The floor space of the restaurant, 3,225 square feet of space, if used for retail, would be required to provide 18 spaces. There is sufficient parking for the restaurant, but unless uses with a lower parking requirement than retail also occupy the center, there could be a parking problem for future uses.

Wood Storage: The restaurant will require wood fuel for its wood burning stove and grill, and the wood will be stored behind the restaurant in covered containers.

ZONING/MASTER PLAN DESIGNATION

The proposed restaurant use is consistent with the Potomac Yard/Greens CDD and Small Area Plan chapter of the Master Plan which proposes that the general land uses for this land parcel be retail and open space use. The approved Concept Plan and Design Guidelines call for Potomac Yard to develop with high quality urban and architectural design elements to produce identifiable neighborhoods, a pedestrian oriented environment, a mix of uses and the use of open space as a defining element in each neighborhood.

II. STAFF ANALYSIS

Staff is very supportive of the proposed restaurant at this location because it, together with the well designed building and streetscape, will help create a center for the existing and expanding residential neighborhood around it. The restaurant concept, with its gourmet shop, convenient takeout service, and specialty beers and wine will serve the convenience needs of the residential population in the vicinity and the outdoor dining will enhance the pedestrian and street level focus of the development, helping to create an active urban place.

The restaurant does not include some of the characteristics which are potential problems for other restaurants. The restaurant is not immediately adjacent to residential neighbors, as is often true of locations in Del Ray or Old Town. Del Ray and Old Town locations typically lack sufficient designated off-street parking to serve a new restaurant; however, in this case, there is ample parking for customers of the restaurant in the parking lots and on Potomac Greens Drive.

The applicants are the owners of several successful local restaurants. In a recent neighborhood meeting, the principals of the applicant expressed their interest in operating as a key part of the neighborhood, and have stated that, in addition to their on-site general manager, they will personally make themselves available to neighborhood representatives should there be any issues arising from the restaurant.

Outdoor Dining

The restaurant will include tables and chairs outdoors for customers. This ingredient is so important a component to the overall ambiance of the restaurant and the development as a pedestrian oriented activity center, that staff is including a condition that requires seasonal outdoor dining to remain part of the restaurant. Given the importance of sidewalks to the pedestrian environment, the Potomac Plaza approval required the buildings to be set further back from the street, allowing room for outdoor dining and a minimum 9' sidewalk width. Staff has included a condition requiring that the outdoor seating area include attractive umbrellas, iron railings and landscaping, and that its design and location be approved by the Director of Planning and Zoning.

Takeout Service

The applicants contend that the ancillary takeout service is very important to the overall restaurant concept because so many of their customers rely on the ability to take quality restaurant offerings to their home. In addition, the applicants hope in the future to be able to have employees walk previously called in takeout orders from the restaurant to waiting customers in their cars. This latter service will not be part of the restaurant immediately; it is an idea for the future. While staff has a series of concerns about the idea, chiefly related to waiting customer takeout cars filling needed longer term customer parking spaces or double parking on Potomac Greens Drive, or parking on Slater's Lane where parking is prohibited, staff is willing to work with the applicant in the future as the idea evolves and these issues are solved. When discussed at a neighborhood meeting recently, the idea was well received in concept. Therefore, staff has included a condition to this effect, allowing the Director of Planning and Zoning to approve the operation if the applicant can address the issues involved.

Trash Pick Up/Delivery/Loading

Neighbors have raised concerns about early morning or late evening noise from trash pick up, or delivery operations. The applicant has stated that all delivery operations occur during the daytime hours and not before 8:00 a.m. As to trash pick up, it will be handled by a private hauler, and the applicant is willing to instruct them as to suitable pick up times. As to restaurant deliveries to customers, staff is requiring that the operation be limited to one vehicle only, and that it not involve the delivery of alcohol, a requirement of the Police. Staff has included conditions to assure compliance with these requirements and representations.

Alcohol

The standard police recommendation for off-premise wine and beer sales is being modified here to allow the applicant to sell wines in smaller than normal bottles, and port wines. The language of Condition #8 is consistent with conditions created in the past for a similar purpose for both the Evening Star and Fireflies restaurants.

Staff has included other standard restaurant conditions, including a one year review, so that if there are problems they can be addressed. With these conditions, staff recommends approval of the restaurant.

III. RECOMMENDED PERMIT 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 corporation in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 150 patrons, including both indoor and outdoor seating areas. (P&Z)
3. The closing hours of the restaurant shall be midnight Sunday through Thursday, and 1:00 a.m. on Friday and Saturdays. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. Live entertainment is permitted to the extent that no sound is audible outside the restaurant. No admission or cover fee shall be charged. The entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect its subordinate nature by featuring food service as well as the entertainment. (P&Z)
6. Outdoor seating shall be provided as a component of the restaurant business. (P&Z)
7. The final design of the outdoor seating, to include umbrellas, iron railing and landscaped planters and to be located to allow a minimum nine foot wide sidewalk width, shall be subject to approval by the Director of Planning and Zoning. (P&Z)
8. 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 in bottles of at least 375 ml. Fortified wine (wine with an alcohol content of 14% or more by volume) in the form of dessert wines, premium ports and sherries, and similar wines may be sold. (P&Z)

9. Delivery service for customers shall be limited to one vehicle to be parked in the parking lot and shall not include delivery of alcohol. (P&Z, Police)
10. No food, beverages or other material shall be stored outside, except that wood fuel for cooking is permitted in attractive containers behind the building. (P&Z)
11. 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)
12. Litter on 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. 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)
14. Loading and unloading activities shall occur from designated loading spaces behind the building and after 8:00 a.m. and before 6:00 p.m. (P&Z)
15. Customer takeout service that involves restaurant employees bringing previously ordered meals to waiting customer cars may be permitted subject to approval of Director of Planning and Zoning to ensure that issues such as location for customer cars, are addressed. (P&Z)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
17. 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)
18. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

19. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
20. Prior to the opening of the business, 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)
21. 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. (P&Z)
22. 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 on how to prevent underage sales of alcohol. (P&Z)
23. 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

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 The proposed restaurant will occupy a new structure which has not been constructed as of the date of this review.
- C-1 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-2 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

- C-4 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-5 A Certificate of Use of Occupancy is required prior to opening (USBC 119.1).
- C-6 The proposed space for outdoor seating with tables shall be limited to an occupant load of 15 square feet per person in accordance with the USBC.
- C-7 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.
- C-8 Any outdoor occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C-9 Any approved outdoor occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.
- C-10 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-11 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-12 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 Fives 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 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.
- C-6 Food must be protected to the point of service at the outside dining locations.
- 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. This is to be completed prior to the business opening.
- 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.
- R-4 There is to be no delivery service of any kind involving alcohol. Food delivery is fine, however alcohol delivery is prohibited.

The following two comments are not included here as conditions because they are included in DSUP 2002-0028 as the responsibility of the developer/landlord.

- R-5 The lighting for the parking lot is to be a minimum of 2.0 foot candles minimum maintained.
- R-6 Trees are not to be planted under or near light poles.

SUP #2004-0103
1550/1551 Potomac Greens Drive

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