

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

STSTAFFSTAFF RECOMMENDATION: Staff recommends **approval** subject to compliance wi subject t
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 for the property 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. The site is developed with the Fox Chase Shopping Center personal service, office, retail and grocery store tenants. Parking is provided for personal service, office, retail and restaurant. The restaurant will occupy 1,100 square feet of a former 4,424 square foot Chinese restaurant space.

The areas to the north and east are developed with Raleigh Park. A restaurant and building are located to the south across Duke Street.

PROJECT DESCRIPTION

The applicant proposes to operate a dine-in and carry-out restaurant with 12 seats.

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

Employees/patrons: The business will be operated by the applicant. The business anticipates approximately 100 patrons daily.

Trash: Paper cups, wrappers, boxes and food of the garbage generated by the restaurant. Trash is disposed of on-site and will be picked up twice a week. Littering will be monitored by the business manager.

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

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

PARKING

Parking for all tenants of the Fox Chase Shopping Center facing Duke Street. Pursuant to Section 8-200(A)(8) of the City Code, 26 parking spaces are 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. The applicant is proposing to occupy 25 % of the original space, the (25% of 26 = 6.5 spaces) remains available to the proposed parking requirement is easily met

POTENTIAL REDEVELOPMENT

In June 2004, the City received DSP#2004-0025, a request for a Center. The proposal includes major site, facade and landscape improvements modifications that would replace the Magr Cinema into retail space. As part of the Transportation Management Plan, staff will be required for the redevelopment, staff will work with the applicant while improving the pedestrian safety, on-site parking, and traffic flow.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG/Commercial ordinance allows a restaurant in the CG ordinance allows a restaurant 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 location. The restaurant is compatible with the other retail, personal services tenants of the ground floor retail spaces of the redevelopment of the site towards a more pedestrian friendly shopping environment.

Staff has included the standard restaurant conditions and a condition that 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 orThe special use permit shall be granted to the applicant only if the applicant is the sole owner or controlling interest in the 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 extend 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 end 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 admitted after the closing hour, and all patrons must leave by the closing hour. (P&Z)
8. The applicant shall post the hours of operation at the entrance to the restaurant. The applicant shall also post the hours of operation on the restaurant's website. (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 the use of the restaurant's customers. (P&Z)
12. Litter on the site and on public rights-of-way and spaces adjacent to the premises shall be picked up at least twice a day and more often if necessary, to prevent an unsightly appearance. (P&Z)

13. Trash and garbage shall be placed in sealed containers which escape and shall be stored inside or in a closed container escape and shall be stored inside invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. (P&Z)
14. Kitchen equipment shall not be cleaned outside, nor shall any kitchen equipment shall not 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 neighboring properties, as determined by the Department of Environmental Services. (T&ES)
16. All loudspeakers shall be prohibited from the exterior of the building. 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 Police Department 703-838-4520 regarding a security 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 traveling to and from work, by posting routes, the location where fare passes for carpooling opportunities. (P&Z)
21. The applicant shall conduct employee training sessions on an ongoing basis including as part of any employee orientation, including as part of any employee orientation requirements. (P&Z)

22. The Director of Planning and Zoning shall review the permit if it has been operational for one year, and the Planning Commission and City Council if (a) there have been violations of the permit conditions which create a direct and immediate surrounding community; (b) the director received the permit for review as the result of a complaint that rises to the level 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.

Staff Notes: In accordance with section 11-506(c) of the zoning ordinance, the 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 KitchenKitchen equipment Kitchen equipment shall nKitchen equipment shall not be cleaned or washed into the streets, alleys, or storm sewers.
- R-2 TheThe applicantThe applicant shall controlThe applicant shall control odors, smoke and any other atat at the site and prevent them from leaving the propertyat the site and prevent them from leavi neighboringneighboring properties, as determined by the Department of Tranneighboring prop Environmental Services.
- R-3 AllAll loudspeakers shall be prohibited from the exAll loudspeakers shall be prohibited from amplified noise shall be audible at the property line.
- C-1 TheThe applicant shall comply with the City of Alexandria's Noise Control Code, Title 11,11, Chapter 5, which sets the maximum permissible noise level as11, Chapter 5, which sets the property line.

Code Enforcement:

- F-1F-1 TheThe submittedThe submitted application proposes to utilize one portion of a combined tenantTh operatingoperating under a Certificate of Occupancyoperating under a Certificate of Occupancy with combinedcombined tenant spaces. While the proposed acombed tenant spaces. While the pr bbuildingbuilding permit and a new certificate of occupancy with a new occupant lbuilding pe requiredrequired in order to berequired in order to be compliant with the modificationrequired in o
- C-1 AlterationsAlterations to the existing stAlterations to the existing strAlterations to the existing Uniform Statewide Building Code (USBC).
- C-2 AA fireA fire preventionA fire prevention code permit is required for the proposed operation. An e showingshowing fixtureshowing fixture location, aisles andshowing fixture location, aisles and exit permit application.
- C-3 AlterationsAlterations to theAlterations to the existing structure and/or installation and/or altering thereintherein requirestherein requires atherein requires a building permit. Five sets of plans, bear ofof a desof a design professional registered in the Commonwealth of Virginia, muof a accompanyaccompany the written apaccompany the written applicationaccompany the writ

construction alterations details, kitchen equipment construction alterations details, kitchen mechanical layouts and schematics.

- C-4 AA Certificate of occupancy shall be obtained prior to construction or portion thereof, in accordance with USBC 119.0.
- C-5 This structure contains mixed use groups and is subject to occupancy requirements of USBC 302.3.
- C-6 Required exits, parking, and accessibility for persons shall be provided to the building.
- C-7 The following code requirements apply where food preparation or development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust fans, and kitchen exhaust ducts shall be required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage with grease-laden waste located in food preparation areas of restaurants, grinders can not discharge to the building drainage system through an interceptor.
- C-8 A rodent control plan shall be submitted to the Health Department prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter 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 22, 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 11-101, 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 the facility 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 employees.
- F-1 The applicant is not requesting an ABC permit. If an ABC permit is requested in the future, it shall concur with this. If in the future an ABC permit is requested the following apply:

Recommend ABC On license only. If ABC off is approved, recommend ABC On license with the following conditions:

- 1.1. Beer or wine coolers may be sold only in 4-packs of 25.4 fluid ounces. Wine may be sold only in 4-packs of 25.4 fluid 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.