

Docket Item #4
SPECIAL USE PERMIT #2005-0006

Planning Commission Meeting
April 5, 2005

ISSUE: Consideration of a request for a special use permit to operate a restaurant/ice cream shop.

APPLICANT: Layek Chowdhury

LOCATION: 249 S. Van Dorn Street, Suite 289
(Parcel Address: 201 S. Van Dorn St)

ZONE: CG/Commercial General

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, Layek A. Chowdhury requests special use permit approval for the operation of an ice cream store located at 249 South Van Dorn Street, Suite 289, within the Van Dorn Plaza Shopping Center.

SITE DESCRIPTION

The subject property is one lot of record with approximately 600 feet of frontage on South Van Dorn Street, approximately 700 feet of frontage on Stevenson Avenue and a total lot area of 10.9 acres. The site is developed with a one and two story shopping center, a large asphalt parking lot, and several independent one story commercial buildings on pad sites. The subject tenant space is located in the center of the shopping center adjacent to Apartment Search and 1-800-Mattress and is currently vacant. Access to the property is from South Van Dorn Street and Stevenson Avenue.



To the east of the shopping center is the Oakwood Apartments. The parking lot for BJ's Wholesale store is located to the north of the property. The Crestview Apartments are located adjacent to the site to the west.

PROPOSAL

The applicant proposes to operate a Carvel Ice Cream Shop. The specific aspects of the restaurant as proposed by the applicant are as follows:

- Seating: The applicant proposes 22 seats.
- Hours: The hours of operation are proposed to be 10:00 a.m. to 10:00 p.m. seven days a week.
- Customers: The applicant expects approximately eighty customers per day.
- Trash: Trash will consist of regular restaurant refuse. Trash will be kept in a dumpster located behind the shopping center and will be picked up once a week.
- Loading: Loading will occur behind the restaurant from the one loading space. Loading will typically occur once a week, in the morning.

The applicant is proposing no alcohol service and no entertainment. There will be only counter service and no wait service at the tables.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 32 seats will be required to provide six off-street parking spaces. The ice cream store will replace a retail shopping establishment and will require one less parking space.

Off-street parking provided and required by use in the Van Dorn Plaza Shopping Center is as follows:

<u>Use</u>	<u>Required Parking</u>
Restaurants (SUP #'s 1286, 1356, 2628-B, 94-0340, 95-0135, 2002-0017)	91 spaces
Proposed Restaurant	8 spaces
Retail	305 spaces
Office	11 spaces
Personal Service (non-retail)	46 spaces
Fitness Center (SUP#2000-0101)	78 spaces
Off-Street Parking <u>Required</u> :	539 spaces
Off-Street Parking <u>Provided</u> :	580 spaces

ZONING/MASTER PLAN DESIGNATION

The subject property is zoned CG/Commercial General. Section 4-403(W) of the Zoning Ordinance allows a restaurant in the CG 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 for commercial general uses.

II. STAFF ANALYSIS

Staff recommends approval of the operation of a restaurant/ice cream shop located at 249 South Van Dorn Street, Suite 289 within the Van Dorn Plaza Shopping Center. Staff believes that the proposed restaurant is compatible with the existing retail, restaurant and service oriented uses in the shopping center.

The applicant's proposed hours of operation are between 10:00 a.m. and 10:00 p.m. seven days a week. The staff recommends a closing hour of 11:00 p.m. which is consistent with the hours of operation at other restaurants in the Van Dorn Plaza Shopping Center. The Wendy's operates from 10:00 a.m. to 11:00 p.m. daily, the Subway operates between 10:00 a.m. and 2:00 a.m. daily, Egardo's operates from 11:00 a.m. to midnight daily and Annette's BBQ Heaven operates from 6:30 a.m to 10:30 p.m. daily.

Staff is recommending 22 seats inside and 10 seats outside for a total of 32 seats. Currently, there is some outdoor seating available for the existing restaurants and the shopping center has adequate parking available to increase the number of seats requested.

Staff has included conditions requiring a security survey, and a robbery awareness program for employees. Finally, staff has included a condition requiring a review of the restaurant after it has been operational for one year so that if there are problems with its operation, additional conditions may be imposed. 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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the ice cream shop/restaurant shall be limited to between 10:00 a.m. to 11:00 p.m. daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. Seating shall be provided for no more than 22 patrons inside and 10 patrons outside for a total of no more than 32 seats. (P&Z)
5. Alcoholic beverages are not permitted. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)
7. 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)

8. 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)
9. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z)
10. 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)
11. 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)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
13. 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 and Environmental Services. (T&ES)
14. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and a robbery awareness program for the employees. (Police)
15. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
(T&ES)
16. Approval of this special use permit is contingent upon the applicant's compliance with all Code requirements. (P&Z)

17. 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;
Richard Josephson, Deputy Director;
Mary Christesen, Planning Technician.

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.
- F-1 There is adequate lighting and refuse receptacles for the site.

Code Enforcement:

- 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 The current use is classified as B, Business; the proposed use is A, Assembly. 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-5 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-6 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-7 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-9 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-10 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 Community Relations 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 Community Relations 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 Alexandria Police concur with this.

SUP#2005-0006
249 S. Van Dorn Street

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