

Docket Item #11
SPECIAL USE PERMIT #2005-0037

Planning Commission Meeting
June 7, 2005

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

APPLICANT: Z Pizza
by JBG Rosenfeld Retail and Jonathan Rak, attorney

LOCATION: 3217 Duke Street (Parcel Address: 3125 Duke Street)

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, Z Pizza by JBG Rosenfeld Retail and Jonathan Rak, attorney, requests special use permit approval for the operation of a restaurant located at 3217 Duke Street.

SITE DESCRIPTION

The subject property is two lots of record with a combined frontage of approximately 1,138 feet on Duke Street and a total lot area of 12.6 acres. The site is developed with the Alexandria Commons Shopping Center. Access to the property is from Duke Street and with Yale Drive providing access to the rear of the shopping center.



CURRENT CHARACTERISTICS

Alexandria Commons, located on the north side of Duke Street just east of the intersection of Duke Street and Quaker Lane is a shopping center comprised of approximately 145,600 square feet of retail, office, and personal service space, and 634 parking spaces. Z Pizza would be located in a tenant space in the western portion of the shopping center. The uses directly surrounding the proposed restaurant include the proposed Quizno's Subs restaurant and an insurance office.



PROJECT DESCRIPTION

- Hours: The applicant proposes to operate from 11 a.m. to 11:00 p.m. Sunday through Thursday, 11:00 a.m. to midnight on Friday and Saturday.
- # of seats: The applicant proposes 44 seats (40 indoor seats and 4 outdoor seats).
- Noise: Noise levels will be consistent with a restaurant use.
- Trash/litter: Trash will be collected in a trash compactor located on the western side of the Giant grocery store and collected on a daily basis. Litter will be controlled by the management company.

PARKING

Section 8-200(B)(20) of the Zoning Ordinance requires a restaurant with 44 seats to provide 11 parking spaces, and the applicant has provided 11 parking spaces. The shopping center has a total of 634 parking spaces. (See attached chart for parking allocation for the shopping center.)

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG/Commercial General zone. Section 4-403 of the Zoning Ordinance allows a restaurant in the CG zone only with a special use permit.

The proposed use is consistent with the Taylor Run Small Area Plan chapter of the Master Plan, which designates the property for commercial use.

II. STAFF ANALYSIS

Staff supports this new restaurant at 3217 Duke Street. Initially, staff had concerns with parking in the western parking lot directly in front of the proposed use; however, the use is consistent with other uses in the shopping center and adequate parking is provided by the shopping center overall.

Due to the design of the center, the western parking lot is smaller than the other lots at the center, resulting in the lot often being full during peak hours. With the heavy concentration of restaurant uses in this area, this is likely to remain the case. Staff anticipates that patrons will park in the less crowded adjacent parking area during peak hours and walk to their destination. The peak hours for this use are from noon to 2:00 p.m. for lunch and 5:00 p.m. to 7:00 p.m. for dinner, with the evening peak hours being two hours later on Friday and Saturday. Additionally, the crowded parking situation can be lessened by requiring employees to park in designated areas in the central parking lot. The shopping center management includes a clause in its leases that requires the lessee to direct employees to park in designated areas. In addition, staff has made it a condition of the SUP that employees park in the designated parking areas. On May 17, 2005, staff attended a meeting of the Seminary Hill Association to discuss the project and there were some concerns expressed regarding parking, but the members generally supported the proposal.

Although staff had concerns regarding parking, staff believes that the shopping center has adequate parking overall and parking within the center is self-contained, resulting in no spill over into adjacent residential neighborhoods. A condition has also been added to prevent employees from parking in the crowded parking areas. The restaurant use is consistent with other uses in the center and will help contribute to the vitality of the Duke Street corridor.

Staff recommends approval of this 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 restaurant shall be limited to 11:00 a.m. to 11:00 p.m. Sunday through Thursday and, 11:00 a.m. to midnight on Friday and Saturday. (P&Z)
3. 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 closing. (P&Z)
4. The number of seats shall be limited to 40 indoor seats and four outdoor seats. (P&Z)
5. The applicant shall post the hours of operation at the entrance of the restaurant. (P&Z)
6. No live entertainment shall be provided at the restaurant. (P&Z)
7. On-premise alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z)
9. 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)
10. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
11. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z) (T&ES)

12. 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. (T&ES)
13. The applicant shall control 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 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. This is to be completed prior to opening for business. (Police)
15. Employees shall park in areas designated by the shopping center as employee parking to reduce congestion in crowded parking areas and this shall be included in employee training on SUP provisions and requirements.(P&Z)
16. 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)
17. 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 car pooling opportunities. (P&Z)
18. Delivery vehicles must be the size of a regular passenger vehicle and may not be parked or loaded/unloaded at the curb in the drive isle/fire lane. (P&Z)

19. 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;
Katrina Newtonson, 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 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.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.

Code Enforcement:

- C-1 The current use is classified as M-Merchantile; 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-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 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-5 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-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.
- C-11 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- 12 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C- 13 Any increase in 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.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans must 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 plans review of food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 The 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.
- 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.

Parks and Recreation:

- F-1 No comments

SUP#2005-0037
3217 Duke Street

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