

Docket Item #2
SPECIAL USE PERMIT #2005-0101

Planning Commission Meeting
November 1, 2005

ISSUE: Consideration of a request for a special use permit to operate a restaurant in an existing retail grocery.

APPLICANT: Raffiullah Habibi

LOCATION: 5715 Edsall Road (Parcel Address: 5725 Edsall Road)

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, Raffiullah Habibi, requests special use permit approval for the operation of a restaurant located at 5715 Edsall Road.

SITE DESCRIPTION

The subject property is one lot of record with 146 feet of frontage on Edsall Road, 555 feet of depth, with a total lot area of approximately 1.65 acres. The site is developed with a series of one and two story commercial buildings and surface parking. The subject tenant space is located on the first floor of a building opposite the 7-Eleven, and is occupied by a grocery store and bakery of 5,500 square feet. Access is provided from an interior drive out parking area. The restaurant is proposed to occupy 200 square feet of the store.



Entrance to Grocery Store and Proposed Restaurant

SURROUNDING USES

The surrounding area is occupied mostly by commercial uses. There is a dry cleaning business and 7-Eleven convenience store in the building immediately to the south. To the west is the Mr. Wash Express car wash. To the east is the Fair Price International Supermarket. South of Edsall Road is Giant supermarket and other small retail uses. To the north are other commercial businesses of Edsall Center.

PROJECT DESCRIPTION

The applicant proposes to operate a restaurant with carry-out within the existing grocery store and bakery. The specific aspects of the restaurant as proposed by the applicant are as follows:

- *Proposed Hours: 10:00 a.m. to 8:00 p.m. daily
*See conditions. Recommended hours are different.
- # Seats: 12 seats
- Trash/Litter: The applicant anticipates trash to be collected twice each week from a dumpster located in front of the business.
- Alcohol: The applicant proposes not to sell alcohol. The grocery store does not currently have alcohol sales.
- Entertainment: The applicant does not propose entertainment.

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 12 seats will be required to provide three off-street parking spaces. In this case, the applicant has 30 spaces designated for the use of the grocery and proposed restaurant. The retail grocery requires 21 spaces. Therefore, there is sufficient parking for the proposed restaurant.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG (Commercial General) zone. Section 4-400 of the Zoning Ordinance allows a restaurant use 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 use.

II. STAFF ANALYSIS

Staff does not object to the proposed restaurant in the existing grocery store. The restaurant is located within a commercial business center and is not close to the public right-of-way. The restaurant use is compatible with the grocery store use, and will provide another service to those already shopping at the market.

Staff recommends the standard restaurant conditions, including that the applicant pick up litter, and recommends that the applicant install a trash container at the entrance of the business to also control this issue.

Staff has recommended the more flexible operating hours of 7:00 a.m. to 1:00 a.m. daily to be more consistent with those approved at a carry out restaurant on the other side of the building, and to provide the applicant with flexibility for the future. Staff has also recommended the standard one year review in the event any issues arise.

With these conditions, staff recommends approval.

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 between 7:00 a.m. and 1:00 a.m. daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The applicant shall install a trash container at the entrance of the business for the use of patrons. (P&Z) (T&ES)
5. 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)
6. No beer, wine or alcoholic beverages shall be sold from the restaurant portion of the store. (P&Z)
7. No live entertainment shall be provided at the restaurant. (P&Z)
8. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
9. 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)
10. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
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. 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)
13. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, 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, 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;
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:

- 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.
- 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.

Code Enforcement:

- C-1 The current use is classified as M, Mercantile; the proposed use in the Bakery section 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 This structure contains mixed use groups [M, Mercantile; B, Business; S-2, Low-Hazard Storage (public garage, group 2) and is subject to the mixed use and occupancy requirements of USBC 302.3
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 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-7 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-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:

- F-1 This facility is currently operating as Afghan Market under an Alexandria Health permit, issued to Raffiullah Habibi.
- 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/modifications. 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 Approval must be obtained prior to use of the modified areas.
- C-4 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5 A certified Food Manager 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 seeking an “ABC” permit. The Police Department concurs.

SUP#2005-0101
5715 Edsall Road

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