

Docket Item # 13
SPECIAL USE PERMIT #2006-0004

Planning Commission Meeting
March 9, 2006

ISSUE: Consideration of a request for a special use permit to change the ownership of a nonconforming restaurant.

APPLICANT: Vasiliki Voliotis and Efthalia Dhana

LOCATION: 1225 Powhatan Street

ZONE: RB/Townhouse

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.

SUP#2006-0004
1225 Powhatan Street

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicants, Vasiliki Voliotis and Efthalia Dhana, request special use permit approval to change the ownership of a nonconforming restaurant located at 1225 Powhatan Street.

PROPERTY DESCRIPTION

The subject property consists of two lots of record with a combined area of approximately 7,723 square feet, 50 feet of frontage on Powhatan Street, 163 feet of frontage on Bashford Lane, and 48 feet of frontage on Portner Road. There are nine parking spaces on the lot; no parking is permitted in front of the building. The restaurant is located in a residential area.



BACKGROUND

The most recent SUP was approved by City Council on September 21, 2004, for a review of the restaurant. The previous owners of the restaurant, Robin Gamzeh and Romas Inc., trading as Ruffino's, were originally approved in June 12, 2001, to operate the Italian restaurant called "Ruffino's". The restaurant was not open at the time of the one year review, and was still not operating when reviewed by Council in June 2003. According to the applicant, he had trouble with his contractor which delayed the construction process. The restaurant commenced operation in early 2004, then ceased operation by the end of that year. The subject property has been vacant since that time.

PROPOSAL

Condition #14 of the SUP requires that a change in either the owner or lessee of the property requires City Council approval. The applicant is a new lessee, and is requesting a change of ownership of the restaurant. There are no other changes proposed to the previously approved conditions of the SUP.

The proposed restaurant is a full-service, family-style restaurant to include carryout. The menu will consist of breakfast items, sandwiches, pizza, soups, salads, and dinner platters consisting of traditional Greek, Italian and American cuisine (see attached menu). The applicant proposes to provide on-premise beer and wine service. According to the applicant, she and her family have owned and operated restaurants in the Alexandria area since 1969.

The applicant has secured a temporary arrangement to use five parking spaces at 800 Slaters Lane during evening hours as required by Condition #34 (see attached letter). The applicant is also pursuing other options for off-site parking for such time that parking will no longer be available at 800 Slaters Lane.

NORTHEAST CITIZENS ASSOCIATION

On February 15, 2006, the Northeast Citizens Association voted unanimously to support the proposed new owner of the restaurant.

ZONING

The subject property is located in the RB/Townhouse zone. A restaurant is not a permitted use in the RB zone. Section 12-210 of the zoning ordinance allows the continuation of nonconforming uses beyond December 28, 1991 only with a special use permit. Under Section 12-210 (B)(3) of the Zoning Ordinance, the SUP review is to determine whether the commercial use meets the following criteria:

- 1) The degree to which the commercial use serves the nearby neighborhood;
- 2) The degree to which the commercial use is compatible with existing uses in the nearby neighborhood; and
- 3) The degree to which the commercial use enhances the nearby neighborhood.

In addition, under Section 12-210 (B)(4), the commercial use must serve and enhance the nearby neighborhood and meet the overarching standards for all special use permits in Section 11-504.

MASTER PLAN

The proposed use is inconsistent with the Northeast Small Area Plan chapter of the Master Plan which designates the property for residential use.

II. STAFF ANALYSIS

Staff supports the continued operation of the restaurant under new ownership. The new restaurant will make active a property that has been vacant for over a year. The restaurant provides a unique opportunity for dining and gathering in the community. Staff recommends maintaining conditions in the permit that reduce the potential for impacts on the immediate residential neighbors, including limited hours of operation, limited hours for trash pick-up, maintaining landscaping, minimizing noise, and providing off-site parking. In addition, Condition #20 requires that the permit be reviewed by City Council on an annual basis, which will insure that any issues that arise can be addressed. To help control litter on the property, staff recommends that the applicant purchase a City trash can. With these conditions, staff finds that the proposed restaurant will continue to serve, be compatible with, and enhance the nearby neighborhood.

Because the location of the proposed off-site parking will redevelop in the near future, staff recommends that the applicant provide an alternate location for parking within the next six months. The applicant is currently pursuing alternative locations for parking in the area

Staff recommends approval subject to the following conditions.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The restaurant shall contain a maximum of 53 seats. (PC) (SUP #97-0126)
2. The hours of operation shall be limited to 7:00 A.M. to 9:00 P.M., Monday through Thursday, and 7:00 A.M. to 10:00 P.M. Friday through Sunday. (PC) (SUP #97-0126)
3. At least one trash container shall be located in the parking area for use of patrons. The container shall not be permitted to overflow, and the area around it must be kept clean. (P&Z) (SUP #2413)
4. Condition deleted. (SUP #99-0139)
5. Litter on the site and on the public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, or more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2413)
6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2413)
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) (SUP #96-0122)
8. **CONDITION DELETED BY STAFF:** ~~The nonconforming use shall be extended until either City Council takes further action or five years from October 2001, whichever occurs first. (CC) (SUP #2000-0083)~~

9. **CONDITION AMENDED BY STAFF:** 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) ~~The special use permit shall be granted to the applicant only, namely, Robin Gamzeh and Roma's Inc., and only as long as the corporation is owned and controlled by Robin Gamzeh and Hossein Rad. (P&Z) (SUP #2001-0017)~~
10. Kitchen equipment or other types of equipment shall not be cleaned outside, nor shall any cooking residue or other wastes be washed into the streets, alleys, sidewalks or sewers. (T&ES) (SUP #2001-0017)
11. No music or amplified sound shall be audible at the property line. (P&Z) (SUP #2413-C)
12. No outside dining facilities shall be located on the premises. (P&Z)(SUP #2413-C)
13. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2413-C)
14. An amendment to the special use permit will be required if there is any change either to the ownership or to the lessee. (CC) (SUP #2413-C)
15. The new applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees. (P&Z) (SUP #2001-0017)
16. Applicant will work with the civic association and obtain staff approval regarding any sign replacement. (CC) (SUP #96-0122)
17. The applicant shall control odors, smoke, and any other air pollution from operations at the site and from the property to prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the T&ES Division of Environmental Quality. (T&ES)
18. Condition deleted. (SUP #99-0139)
19. Condition deleted. (SUP #2001-0017)
20. The Director of Planning and Zoning shall annually review this particular application and docket it for consideration by the Planning Commission and City Council. (CC) (SUP #2000-0083)

21. Condition deleted. (SUP #2001-0017)
22. See consolidated parking condition #34. (SUP #2001-0017)
23. Condition deleted. (SUP #2000-0083)
24. The applicant shall have its trash removed only between the hours of 9:00 a.m. and 11:00 a.m. daily. (P&Z) (SUP #2001-0017)
25. The applicant shall maintain in good condition all landscaping on the property, which shall include watering on a regular basis, removing and replacing dead plantings as needed, and pulling weeds and mowing grass strips on a regular basis, pursuant to a plan approved by the Director of Planning and Zoning. (P&Z) (SUP#2004-0048)
26. The applicant shall paint the rooftop equipment screening consistent with the dumpster screening within 45 days of this approval, and shall thereafter maintain the dumpster and rooftop equipment screening in good condition to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2001-0017)
27. See consolidated parking condition #34. (SUP #2001-1107)
28. The applicant shall provide a public sidewalk easement on the Bashford Lane side of the property to allow the construction of a five foot wide walkway adjacent to the curb. (T&ES) (SUP #2001-0017)
29. Condition deleted. (P&Z)
30. Condition deleted. (PC)
31. Loudspeaker(s) shall not be installed on the exterior of the building. (SUP #2001-0017)
32. See consolidated parking condition #34. (SUP #2001-0017)
33. The applicant shall maintain the Dixie Pig reproduction sign in good condition in a design consistent with the original sign to the satisfaction of the Director of Planning and Zoning. (PC)(SUP#2004-0048)
34. **CONDITION AMENDED BY STAFF:** Parking shall be provided as follows:
 - A. The applicant shall provide no fewer than 14 off-street parking spaces. At

least nine of the spaces shall be located on-site in well striped spaces. Five or more spaces shall be located at 800 Slaters Lane (Nordic Press)–the Alexandria Executive Club Suites, and shall be available for use between 5:00 p.m. and 10:30 p.m. daily. Within six months of approval, the applicant shall provide an alternate location for the five off-site parking spaces, to the satisfaction of the Director of Planning and Zoning. The Director of Planning and Zoning may approve a reasonably equivalent alternative location for the off-site spaces. (P&Z)

- B. The applicant shall not permit parking on its property in front of its building and shall also post signs saying “Parking Not Permitted in front of the building.”
 - C. The applicant shall require that its employees who drive to work use off-street parking. (City Council) (SUP #2001-0017)
35. Condition deleted. (P&Z)
36. **CONDITION ADDED BY STAFF:** Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)
37. **CONDITION ADDED BY STAFF:** 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)
38. **CONDITION ADDED BY STAFF:** 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)
39. **CONDITION ADDED BY STAFF:** Lighting shall be provided in the parking lot during nighttime hours, to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. If needed, the lighting shall be shielded to prevent glare on adjacent properties. (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.
- R-4 Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.
- 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 A new Fire Prevention Permit is required due to the change in ownership.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are not transferable.
- C-3 This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 838-4400 ext. 250 to arrange for a “change of ownership” inspection.
- C-4 If changes to the facility are to be done, 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-5 Permits must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- F-1 This facility is currently closed for business. The Alexandria Health permit expired December 2004.
- 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 seeking an “ABC On” license only. The Police Department has no objections.
- F-2 The Police Department has no objections to the change of ownership.

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1225 Powhatan Street

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