

Docket Item # 4
SPECIAL USE PERMIT #2005-0001

Planning Commission Meeting
February 7, 2005

ISSUE: Consideration of a request to amend a special use permit to allow the sale of on- and off-premise beer and wine.

APPLICANT: Rocklands Restaurant and Catering
by Duncan Blair

LOCATION: 25 S. Quaker Lane

ZONE: CSL/Commercial Service Low

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.

I. DISCUSSION

REQUEST

The applicant, Samuel Ford, Inc., trading as Rocklands, requests special use permit approval to amend a special use permit to allow the on and off-premise sale of beer and wine.

SITE DESCRIPTION

The subject property is one lot of record having 467 feet of frontage on South Quaker Lane and a total lot area of 2.1 acres. The property contains the old Stonewall Jackson School which has been converted into an office building with a child day care center. The subject tenant space is 4,100 square feet located at the southeast corner of the building facing South Quaker Lane. The site has a total of 158 on-site parking spaces.



To the north of the site is a Wendy's restaurant and to the east is an office building. To the south and west of the property is the City of Alexandria Maintenance Facility. East of that facility, across South Quaker Lane, is the City's DASH bus storage and maintenance yard.

BACKGROUND

On November 19, 1988, City Council granted Special Use Permit #2089-A to JDL Ventures, Inc. for the operation of a restaurant known as Jeffrey's Café. On May 5, 2003, staff administratively approved a change of ownership of the restaurant to Samuel Ford, Inc. On October 18, 2003, City Council granted Special Use Permit # 2003-0085 to change the hours of operation at the restaurant.

The applicant originally submitted this current request in December 2004. At that time the Police Department opposed the request for alcohol, and the application was placed on hold. Since that time, the applicant has resolved the issues with the Police, and now wishes to proceed with the application. The Police originally had concerns about potential conflicts with the child care center and nursing school, both located in the building. The applicant worked with Police to address its concerns (see attached Police comments and recommended conditions).

Staff visited the premises and found no violations to the conditions of SUP#2003-0085. Staff has not received any complaints on the restaurant since it opened in 2003.

PROPOSAL

Rocklands Barbeque and Grilling Company is an existing restaurant and catering facility that serves all-American cuisine and real barbeque, specializing in grilled meats. The restaurant operates from 11:00 a.m. to 8:00 p.m. daily, but is permitted to be open until 10:00 p.m. The applicant is permitted to have up to 28 seats, which it currently has. The applicant requests approval to allow the on- and off-premise sale of beer and wine. According to the applicant, bottles for off-premise sale will be stored and displayed behind the cashier counter. No other changes are proposed.

PARKING

According to Section 8-200 of the zoning ordinance, a restaurant with 28 seats is required to provide seven parking spaces. Condition #14 requires that the applicant have 14 spaces, to accommodate customers, employees and catering vehicles, which it currently maintains.

OTHER LOCATIONS

Rocklands has two other locations in the region: one in Washington, DC at 2418 Wisconsin Avenue, and the other is located in Arlington, VA at 4000 Fairfax Drive.

ZONING

The subject property is located in the CSL/Commercial service low zone. Section 4-303 (Y) of the zoning ordinance allows a restaurant in the CSL zone only with a special use permit. The catering aspect of the business was not part of SUP#2089-A, because catering was a permitted use in the C-2/Commercial zone at the time the restaurant SUP was approved. When the zoning ordinance was updated in 1992, the property was rezoned to CSL/Commercial service low, which allows catering only with a special use permit. Because of the zoning change, the catering portion of the business became a noncomplying use. Section 12-302 of the zoning ordinance allows a noncomplying use to continue. A SUP is required only for an expansion or intensification of the use.

MASTER PLAN

The proposed use is consistent with the Seminary Hill/Strawberry Hill chapter of the Master Plan which designates the property for uses consistent with the CSL zone.

II. STAFF ANALYSIS:

Staff does not object to the proposed on- and off-premise sale of beer and wine at the restaurant and catering facility located at 25 South Quaker Lane. Staff finds that given the earlier closing hours, small size of the restaurant, and lack of residential uses in the immediate area, the potential for any negative impacts from the beer and wine sales is minimal. The Police Department does not object to the request, with conditions that there be no single sales, that there be an annual review for the next three years, and that there be no customer access to the restaurant from inside the building. The applicant has agreed to all of these conditions. Similar to the standard condition for 7-Eleven stores,

staff has included a condition that employees have training on how to prevent the underage sale of alcohol. Staff is not aware of any problems with the existing restaurant.

Staff recommends approval of the special use permit, 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. That the permit be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP#2089)
2. That seating be provided inside for no more than 28 patrons. (P&Z) (SUP#2003-0085)
3. That no outside dining facilities be located on the premises. (P&Z) (SUP#2089)
4. That the hours during which the business is open to the public be restricted to between 6:00 a.m. and 10:00 p.m. daily. (P&Z)
5. **CONDITION AMENDED BY STAFF:** 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. That no food, beverages, or other material be stored outside. (P&Z) (SUP#2089) (P&Z)
6. **CONDITION DELETED BY STAFF:** ~~That trash and garbage be stored inside or in a dumpster.~~ (P&Z) (SUP#2089) (P&Z)
7. **CONDITION DELETED BY STAFF:** ~~That trash and garbage be collected daily when the business is open.~~ (P&Z) (SUP#2089) (P&Z)
8. No live entertainment shall be provided at the restaurant. (P&Z) (SUP#2003-0022)
9. **CONDITION AMENDED BY STAFF:** On and off-premise beer and wine service only shall be permitted. (P&Z) ~~No alcohol service shall be permitted.~~ (P&Z) (SUP#2003-0022)

10. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2003-0022)
11. 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 any unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP#2003-0022)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2003-0022)
13. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)(SUP#2003-0022)
14. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (P&Z) (T&ES)
15. Catering delivery vehicles shall not be parked in spaces at the front of the building. (P&Z)
16. Fourteen parking spaces shall be designated by signs or paint, with the plan submitted by the applicant. (P&Z) (SUP#2003-0085)
17. 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. (Police) (SUP#2003-0085)
18. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)(SUP#2003-0085)
19. **CONDITION AMENDED 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) (~~SUP#2003-0085~~)

20. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit ~~one year~~ annually for the first three years 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 the result of a complaint that rises to the level of a violation of the permit conditions, 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)
21. **CONDITION ADDED BY STAFF:** 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. (Police)
22. **CONDITION ADDED BY STAFF:** Customer access to the restaurant shall be provided only from the exterior of the building.(Police)
23. **CONDITION ADDED BY STAFF:** Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street) within 60 days of City Council approval. (T&ES)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Valerie Peterson, Planner II.

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 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street) within 60 days of City Council approval. (T&ES)
- F-1 All previous T&ES conditions to be carried forward. (T&ES)

Code Enforcement:

- F-1 The current Certificate of Occupancy is approved for 28 seats for patrons and a total of 44 occupants. The requested increase in patron seating will require the installation of another restroom facility for patron use.
- F-2 On January 11, 2006, the Planning Department advised that the applicant is withdrawing the requested additional 5 seats from the application. If the application is amended to remove the 5 requested seats, comments C-1 through C-7 will no longer be applicable and F-1 is amended to delete the sentence requiring an additional restroom facility.
- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A revised fire prevention code permit is required for the proposed increase in 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 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.

- C-5 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-6 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 A new Certificate of Use of Occupancy is required prior to operating at the increased occupancy (USBC 119.1).

Health Department:

- F-1 This department has no objections in allowing the service of beer and wine on and off the premises.

Police Department:

- R-1 Customer access to the restaurant shall be provided only from the exterior of the building.
- F-1 Rocklands has already completed the security survey and robbery awareness program.

Initially, the Police Department was opposed to Rocklands selling alcohol both on and off premises and this was indicated in our original comments. We were opposed because of the preschool and the nursing school that are housed in the same building as Rocklands. There was concern for the safety of the folks attending the schools from inebriated persons, especially the students who attended the late night nursing classes.

On December 13, 2005 I met with Mr. John Snedden, manager of Rocklands, and Mr. Duncan Blair, the attorney handling the SUP. We completed a walkthrough of Rocklands and the interior of the building as Rocklands relates to the schools. The door of concern once allowed two way traffic between the people in the building attending school and the restaurant (formerly Jefferies). I discovered that Rocklands rearranged the restaurant so that only their staff can exit into the building from the restaurant. Patrons of Rocklands cannot enter the building from the restaurant. Further, Rocklands closes at 8:00 p.m. This helps to rid the concern of inebriants accosting the nursing students who are in the building at late hours attending classes. The preschool does not use the door to their school that opens into the building, it is always kept locked and secured from anyone being able to enter the preschool from

inside the building. This also helped to rid the concern of Rockland patrons possibly entering the preschool from the restaurant.

After this walk-through, the Police Department no longer objects to Rocklands selling alcohol.

F-1 The applicant is seeking an “ABC On” and “ABC Off” license. The Police Department has no objections to either license subject to the following conditions for alcohol sold off premise:

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. The SUP be reviewed annually for 3 years to monitor the sale of alcohol as it effects the two schools attendees.