

Docket Item #8
SPECIAL USE PERMIT #2006-0008

Planning Commission Meeting
April 4, 2006

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

APPLICANT: Larry Roseborough

LOCATION: 1020 Wythe Street

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.

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Larry Roseborough, requests special use permit approval for the operation of a carry-out restaurant located at 1020 Wythe Street.

SITE DESCRIPTION

The subject property is one lot of record with 48 feet of frontage on Wythe Street, 60 feet of depth and a total lot area of 2,983 square feet. The site is developed with a semi-detached structure. The structure is currently vacant. The applicant proposes to occupy 525 square feet on the first floor for the carry-out restaurant. There are three parking spaces located in the rear of the property.



The surrounding area is occupied by a mix of commercial and residential uses. Immediately to the west is a carry-out restaurant. To the south and west are residential townhouses. To the north is an office-commercial warehouse building.

PROPOSAL

The applicant proposes to occupy the space with a carry-out restaurant. The restaurant will offer quick fried foods like chicken, fish and french fries. Specific aspects of the operation as described by the applicant include the following:

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|------------|--|
| Hours: | 10:00am to 4:00pm Monday through Friday, 12:00pm to 4:00pm Saturday, closed on Sunday. |
| Employees: | Two employees (owners). |
| Patrons: | There will be no seating. The applicant expects 100 patrons daily. |
| Noise: | The applicant expects that noise levels will be minimal. |
| Odors: | The applicant expects minimal cooking odors, which will be vented through ducts out of the roof. |
| Trash: | A minimal amount of trash is expected. A dumpster will be located on the property, and trash will be picked up twice weekly. |

- Litter: Property will be swept daily for any litter.
- Alcohol: The applicant proposes no alcohol sales.
- Live Entertainment: Live entertainment is not proposed.
- Delivery: The applicant proposes no delivery service.

PARKING

According to Section 8-200(A)(16) of the Zoning Ordinance, a retail use requires one parking space for every 200 square feet. A carry-out restaurant with 525 square feet requires three spaces, which is provided on the property.

ZONING/MASTER PLAN DESIGNATION

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 proposed use is consistent with the Braddock Road Metro 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 carry-out restaurant, with the limited hours proposed by the applicant. Staff strongly supports a mix of commercial and residential land uses, especially in Old Town's urban environment. The proposed restaurant is very small, only 525 square feet, and its customers are likely to be pedestrians who live, work, walk to Metro, or shop in the area. Parking is also provided on premises. The proposed location is just off of North Henry Street where there is already a lot of vehicular and pedestrian traffic. While restaurants in close proximity to residential uses have been challenging in the past, including for example, Mancini's and the Pita House restaurants, the applicant proposes such limited hours that potential impacts such as noise and odors would occur when adjacent residents are likely not home, reducing the possibility of conflicts. The applicant is not proposing to sell alcohol or provide entertainment, further reducing the potential for impacts. There is also an existing carry-out immediately adjacent to the proposed restaurant where staff is not aware of any issues or conflicts with the residential uses in the area.

Therefore, with conditions limiting the hours to daytime, prohibiting alcohol sales and live entertainment, staff recommends approval of the application. Staff also recommends that the applicant purchase a City trash can to control litter, and monitor the area for litter. Because Wythe Street is a pedestrian corridor for those using Metro, staff also recommends improving the building with landscaping and an awning.

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 business or entity in which the applicant has a controlling interest. (P&Z)
2. No outside dining facilities shall be located on the premises. (P&Z)
3. No live entertainment shall be provided at the restaurant. (P&Z)
4. The hours of operation of the carry-out restaurant shall be limited to 10:00 a.m. to 4:00 p.m. Monday through Friday, and 11:00 a.m. to 4:00 p.m. Saturday, and closed on Sunday. (P&Z)
5. The applicant shall require that its employees who drive to work use off-street parking. (P&Z)
6. No delivery service shall be provided. (P&Z)
7. The applicant shall post the hours of operation at the entrance to the carry-out restaurant. (P&Z)
8. Alcohol service shall not be permitted. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. The applicant shall install landscaping in the form of a low evergreen hedge at the front of the building and planter boxes hanging from the windows on the first floor, and shall install awnings over the doors, to the satisfaction of the Director of Planning and Zoning. (P&Z)
11. Trash and garbage shall be stored 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)

12. 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)
13. 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)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers. (T&ES)
15. 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)
16. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
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)
18. 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)
19. 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 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)

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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:

- F-1 The subject property is currently declared Unfit for Human Habitation by Code Enforcement.
- C-1 The current use is classified as B, Business; the proposed use is M, Merchantile. 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 A Certificate of Use of Occupancy is required prior to opening (USBC 119.1).
- 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 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11.
- C-8 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-9 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. Permits are not transferable.
- C-2 Permits must be obtained prior to operation
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Tittle 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Proved 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 with this.

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