

Docket Item #2
SPECIAL USE PERMIT #2006-0023

Planning Commission Meeting
June 6, 2006

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

APPLICANT: Demetrius Monis, Gus Monis, and Diane Monis

LOCATION: 4551-A Duke Street (Parcel Address: 4513 Duke Street)
Foxchase Shopping Center

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 applicants, Demetrius Monis, Gus Monis, and Diane Monis, request special use permit approval for the operation of a restaurant located at 4551 A Duke Street..

SITE DESCRIPTION

The subject property is two lots of record having combined frontage on Duke Street of approximately 800 feet, approximately 230 feet of frontage on North Jordan Street, and a total area of 10.4 acres. The site is developed with the Foxchase Shopping Center that has a mixture of uses, including personal service, office, retail and grocery store tenants. Parking is provided on-site. The proposed restaurant will occupy 3,237 square feet of a former 4,424 square feet Chinese restaurant space.

The areas to the north and east are developed with the Foxchase Apartment buildings. The City's Raleigh Park is located to the northwest. A restaurant and the 4600 Duke Street Condominium Building are located to the south across Duke Street.

BACKGROUND

On December 6, 1983, City Council granted SUP #1616 for the operation of a Chinese restaurant at this location. Currently the space is unoccupied and the Foxchase Shopping Center is under redevelopment as approved under DSUP#2004-0025.

PROPOSAL

The applicants propose to operate an Italian/American Restaurant along with Greek specialties. The applicant describes the restaurant operation as the following:

Hours:	11am- 10pm Daily
Number of seats:	88 Dining Seats; 8 Bar Seats
Noise:	Typical restaurant noise that will be kept inside. If noise levels are too loud, patrons will be asked to quiet down or leave the establishment.
Trash/Litter:	Expected trash types include cardboard boxes, cooking oil, as well as food scraps and will be stored in one dumpster and collected once per week. The applicant has a contract with a trash management company.

Alcohol: The applicant proposes on-premise only sales of beer, wine and mixed drinks.

PARKING

Parking for all tenants of the Foxchase Shopping Center is provided in the on-site parking lot facing Duke Street. Pursuant to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant with 96 seats is required to provide 24 parking spaces.

On February 12, 2005, City Council approved a proposed parking reduction for DSUP#2004-0025, from the required 703 parking spaces as stated by the Zoning Ordinance, to 583 parking spaces. The applicant for the Foxchase Shopping Center Redevelopment Project conducted a parking study which found that one parking space per 250 square feet is adequate for the uses within the shopping center. The applicant for SUP#2006-0023 has 3,237 square feet of space and given the parking reduction for the shopping center and the square footage of the proposed restaurant, the applicant will be required to provide 13 off-street parking spaces. Therefore, the parking requirement for the restaurant is satisfied.

FOXCHASE SHOPPING CENTER REDEVELOPMENT

In February, 2005, the City received and approved DSUP#2004-0025, a request for a development special use permit, with site plan, for redevelopment of a retail use greater than 20,000 square feet, a parking reduction and freestanding signs. The proposal included major site, facade and landscape improvements, and tenant space modifications that would replace the Magruders Supermarket with a Harris Teeter Grocery Store and convert the Cinema into retail space. Construction is currently taking place and is expected to be completed by Fall 2006.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG/Commercial General zone. Section 4-403(Y) of the Zoning Ordinance allows a restaurant in the CG zone only with a special use permit. The proposed use is consistent with the Seminary Hill/Strawberry Hill Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff has no objection to the proposed restaurant located within the Foxchase Shopping Center. The restaurant is compatible with the other retail, personal service and restaurant uses envisioned as tenants of the ground floor retail spaces of the shopping center.

Staff is aware of the parking situation within Foxchase Shopping Center. In order to be consistent with the development special use permit approved for the shopping center, staff has included conditions to reduce impacts on parking, including a condition requiring all employees to park in parking spaces located behind the shopping center.

Staff has included the standard restaurant conditions and a condition requiring a review of the restaurant after it has been operational for one year. With these conditions, staff recommends approval of the 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 business or entity in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 96 patrons inside and outside. (P&Z)
3. Outside dining facilities may be located on private property and shall not encroach onto the public right-of-way. The applicant shall ensure that pedestrian access is provided past the outdoor seating and shall clean the seating area at the close of each day of operation. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. No delivery service shall be provided. (P&Z)
6. The hours of operation shall be limited to 11 am to 12 midnight daily. (P&Z)
7. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
9. On-site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)

10. No food, beverages, or other material shall be stored outside. (P&Z)
11. The applicant shall install at least one trash container within the restaurant for customers' use. (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. 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)
14. 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)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. 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)
17. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
18. Include information on the disposal method for the grill cleaner used at the restaurant in the building permit application materials. (T&ES)
19. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)

20. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees prior to operation. (Police)
21. 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)
22. All employees must park in the parking spaces located behind the shopping center. (P&Z)
23. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z)
24. 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 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, (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;
James Hunt, 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 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.
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-3 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-4 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-5 No amplified sounds shall be audible at the property line.
- R-6 Include information on the disposal method for the grill cleaner used at the restaurant in the building permit application materials.
- 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 submitted diagram contains insufficient details to address all code related issues. As a result, additional requirements may be required at the time of building permit plan submission.

- F-2 The proposed occupant load will require two approved means of egress from the business.
- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- 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 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 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-7 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-8 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 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 review of plans for food facilities.
- C-4 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.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.

SUP#2006-0023
4551-A Duke Street
Foxchase Shopping Center

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