

Docket Item #2  
SPECIAL USE PERMIT #2006-0032

Planning Commission Meeting  
June 6, 2006

**ISSUE:** Consideration of a request for a special use permit to allow the sale of prepared food items at an existing grocery store (restaurant).

**APPLICANT:** Lady Guadamuz

**LOCATION:** 235 South Van Dorn Street

**ZONE:** CG/Commercial General

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**PLANNING COMMISSION ACTION, JUNE 6, 2006:** The Planning Commission noted the deferral of the request.

Reason: The applicant failed to comply with the requirements for legal notice.

**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, Lady Guadamuz, requests special use permit approval for the operation of a restaurant within an existing grocery store located at 235 S. Van Dorn Street.

SITE DESCRIPTION

The subject property is one lot of record with approximately 600 feet of frontage on South Van Dorn Street, approximately 700 feet of frontage on Stevenson Avenue and a total lot area of 10.9 acres. The site is developed with a one and two story shopping center, a large asphalt parking lot, and several independent one story commercial buildings on pad sites. The subject tenant space is located at the northwest corner of the shopping center. The applicant currently occupies 1,600 square feet for a grocery store (Lady’s Bodega), and plans to expand the store into the adjacent space of the same square feet.



Access to the property is from South Van Dorn Street and Stevenson Avenue.

To the east of the shopping center is the Oakwood Apartments. The parking lot for BJ’s Wholesale store is located to the north of the property. The Crestview Apartments are located adjacent to the site to the west.

PROPOSAL

The applicant proposes to offer food for carry-out at an existing grocery store. Food service will consist of tacos and other Central and South American specialties. The grocery store offers a variety of food items, including fresh produce and meats, and offers off-premise beer and wine. Other aspects of the food service as described by the applicant includes the following:

- Hours: 10:00 a.m. to 9:00 p.m. Monday through Friday; 9:00 a.m. to 9:00 p.m. Saturday, 9:00 a.m. to 8:00 p.m. Sunday
- Number of seats: The applicant proposes no seating.
- Noise: The applicant does not anticipate high noise levels.

Trash/Litter: Anticipated trash includes cardboard boxes, leftover food and wrappers. Trash will be collected daily. Litter will be controlled by providing trash dispensers at the front and back of the store.

Alcohol: The grocery store has an off-premise beer and wine license.

PARKING

Because a carry-out restaurant has no chairs, the parking requirement is calculated the same as a retail use. According to Section 8-200 (A)(16) of the Zoning Ordinance, a retail use requires 1.2 parking space for every 210 square feet. In this case the grocery store and carry-out restaurant will occupy 3,200 square feet, which requires 18 spaces. The shopping center has a total of 580 spaces and provides adequate parking for retail uses.

ZONING/MASTER PLAN DESIGNATION

The subject property is zoned CG/Commercial General. Section 4-403(W) of the Zoning Ordinance allows a restaurant 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 general uses.

**II. STAFF ANALYSIS**

Staff does not object to a carry-out operation at an existing grocery store. The carry-out is proposed to be a small portion of the existing grocery store operation, and staff anticipates that any impacts would be similar to those already associated with the existing grocery store, which is a permitted use.

Staff has included conditions requiring a security survey, and a robbery awareness program for employees. In addition, staff has included a condition requiring a review of the restaurant after it has been operational for one year so that if there are problems with its operation, additional conditions may be imposed. 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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the carry-out restaurant shall be limited to 7:00 a.m. to 10:00 p.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 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)
5. 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)
6. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
7. 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)
8. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
9. 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)

10. 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, (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.

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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. (T&ES)
- 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. (T&ES)
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- 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. (T&ES)
- R-5 Insure that the number of parking spaces required for the proposed use are available pursuant to section 8-200 (A) of the zoning ordinance. (T&ES)
- 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 applicant shall provide more information concerning the scope of work involved in the taco business. Are all items to be pre-packaged or will flour and other ingredients be stored on sight for the manufacturing of taco shells at the job site. In addition, what is the quantity of flour estimated to be stored on site at any one time?

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 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-3 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-4 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-5 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-6 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 The facility is currently operating as Lady's Bodega under an Alexandria Health permit, issued to Lady Guadamuz, Inc.
- C-1 An Alexandria Health Department Permit is require for all regulated facilities. Permits are non-transferable.



- C-2 Five sets of plans must be submitted to and approved by this department prior to construction. Plan 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 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 operating.

Police Department:

- F-1 The Police Department has no objections to the grocery store expanding to sell tacos.
- F-2 The applicant already has an "ABC" license (#010722) to sell alcohol off premise only. The Police Department has no objection.

SUP#2006-0032  
235 South Van Dorn Street

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