

Docket Item #4
SPECIAL USE PERMIT #2006-0052

Planning Commission Meeting
September 7, 2006

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

APPLICANT: Vasilios Patrianakos
Atlantis Family Restaurant

LOCATION: 3648 King Street
Bradlee 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 applicant, Vasilios Patrianakos, requests special use permit approval for the operation of a restaurant located at 3648 King Street, and for a parking reduction.

SITE DESCRIPTION

The subject property is one lot of record with approximately 825 feet of frontage on King Street, 550 feet of frontage on Marlee Way, 150 feet of frontage on West Braddock Road, and a lot area of 461,287 square feet. The site is developed with the Bradlee Center, a shopping center with approximately 50 retail or restaurant units and a shared parking lot. The proposed restaurant will operate from a space previously occupied by another restaurant use, in the eastern wing of the shopping center, situated between Nextel and a Chicken Out Restaurant. The tenants space totals 3,250 square feet.



BACKGROUND

The applicant currently operates a restaurant at 3672 King Street, between Hallmark and a Subway Restaurant, within the Bradlee Shopping Center. The applicant is requesting to move to 3648 King Street for increased seating capacity. The proposed restaurant location was previously occupied by Tacuba Cantina, which operated under SUP#2004-0104.

The Tacuba Cantina was approved for no more than 70 seats. Since the applicant is requesting to increase the seating to 150 seats, they are required to obtain a Special Use Permit.

On July 18, 2006, staff visited the applicant's current location to verify that the applicant was in compliance with SUP#1349-A. Staff found that the applicant had 130 seats and under SUP1349-A, is permitted to have no more than 96 seats. Staff issued the applicant a warning ticket to reduce the number of seats in the restaurant. Since the issuance of the warning ticket, staff has received a letter from the applicant's attorney indicating that at any given period of time, there is no more than 130 patrons in the restaurant. In addition, staff has visited the existing restaurant multiple times and verified that during peak lunch hours the number of patrons does not exceed 96.

PROPOSAL

The applicant is proposing to move the existing restaurant from 3672 King Street to 3648 King Street and to increase the seating capacity of the restaurant from the 96 seats in the existing location, to 150 seats in the proposed location. The applicant also requests a reduction in the number of required parking spaces. The specific aspects of the business, as proposed by the applicant, are as follows:

Hours:	7am-11pm Daily
Number of seats:	150
Noise:	The applicant does not anticipate any high noise levels.
Trash/Litter:	10 bags per day to be collected daily.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance a restaurant is required to have one space per four seats. Therefore, a restaurant with 150 seats is required to provide 38 parking spaces. The applicant is also requesting a parking reduction of 14 spaces.

On September 13, 1997, City Council approved SUP#97-0058 for a reduction of 57 off-street parking spaces within the Bradlee Shopping Center. In addition, on April 15, 2000, City Council approved SUP#2000-0025 which was a reduction of four off-street parking spaces for the Starbucks Coffee Restaurant, located within the Bradlee Shopping Center.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG 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 Fairlington/Bradlee Small Area Plan chapter of the Master Plan which designates the property for Commercial General use.

II. STAFF ANALYSIS

Staff does not object to the new restaurant, which allows a long time Bradlee Shopping Center restaurant the opportunity to expand the business. Since the restaurant is in a shopping center, many of the impacts normally associated with a restaurant can be better addressed, including the provision of ample area for vehicular circulation to accommodate loading and trash trucks, and property management to monitor maintenance and upkeep. In addition, the restaurant is not located in the immediate proximity of residential uses, thus reducing the potential for negative impacts caused from the restaurant. Additionally, staff has included a condition requiring the applicant to provide landscaping such as potted plants to be located at the entrance of the business, subject to the approval of the Director of Planning and Zoning.

Parking

Staff notes that the applicant's driving customers, and other retail customers, are often forced to park in less convenient spaces near the center of the lot. Increasing the parking demand at the shopping center only exacerbates the parking issue. However, there are uses within the shopping center that have a high turnover rate of customers. In order to reduce the likelihood of patrons competing with the applicant's employees for spaces near the site, staff recommends including a condition that was recommended for both the health club and the Chicken Out restaurant requiring the applicant's employees to park in the employee parking area designated by the shopping center.

Since there have been no parking complaints within the shopping center and there are other parking reductions within the shopping center, staff supports the applicant's request for a parking reduction of 14 spaces. Staff has included a review one year after the restaurant becomes operational to ensure that if there are problems with the operation, additional conditions may be imposed.

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to between 7am- midnight daily. (P&Z)
3. Seating shall be provided for no more than 150 patrons. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. 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)
6. 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)

7. 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 and a robbery awareness program for all employees. (Police)
8. 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. (P&Z)
9. The applicant shall require its employees to park in the employee parking area designated by the shopping center. (P&Z)
10. Delivery vehicles shall park and be unloaded from the rear of the restaurant only. (P&Z)
11. A parking reduction of 14 spaces shall be granted. (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 provide landscaping in the form of potted plants, to be located at the entrance of the restaurant, to the approval of the Director of Planning and Zoning. (P&Z)
14. 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 alcohol content of 14% or more by volume) may not be sold. (P&Z)
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. 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)
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, (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:

- 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.
- 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 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.

Code Enforcement:

- F-1 The proposed tenant space has a maximum occupant load of 70 persons. The requested occupancy of 150 patrons will require a new Certificate of Occupancy for the proposed space.
- 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 Required exits, parking, and facilities shall be accessible for persons with disabilities.

- 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 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-7 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.
- C-2 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-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 A 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 new place of business.
- R-2 If the applicant keeps the current staff of employees, then a robbery readiness presentation is not necessary. However, if the employees are new to the business, then the applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery readiness presentation for the employees.
- 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 volume) may not be sold.
 2. That the SUP is reviewed after one year.
- F-2 The Police Department has no objections to the relocation of the restaurant from 3648 to 3250 King Street.

SUP #2006-0052
3648 King Street

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