

Docket Item #3  
SPECIAL USE PERMIT #2006-0086

Planning Commission Meeting  
November 9, 2006

**ISSUE:** Consideration of a request to operate a café style restaurant within an existing catering operation.

**APPLICANT:** Javier C. Nogales and Michele L. Nogales

**LOCATION:** 4936-A Eisenhower Avenue

**ZONE:** OCM(100)/Office Commercial Medium

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**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, Javier Nogales and Michele Nogales, request special use permit approval for the operation of a restaurant at 4936-A Eisenhower Avenue.

SITE DESCRIPTION

The subject property is part of one lot of record with 455 feet of frontage on Eisenhower Avenue, a depth of approximately 795 feet and a total lot area of 8.529 acres. The site is developed with the 'BuildAmerica Six' Industrial Park, a one-story warehouse with 150,000 square feet of floor area, 335 parking spaces, and more than 40 units, and occupied by a variety of light industrial/manufacturing/auto repair and storage uses.

The 600 square foot space proposed to be occupied by the applicant, is located on the east side of the building, in a portion of an existing catering facility currently operated by the applicant.

BACKGROUND

On December 12, 1998, City Council granted Special Use Permit#98-0141 to the applicant for the operation of a catering business at 4936-A Eisenhower Avenue. Since the issuance of the SUP, staff has not been made aware of any issues regarding the catering operation.

PROPOSAL

The applicant proposes to operate a café style restaurant serving salads, soups, sandwiches, and beverages. According to the applicant, the restaurant is anticipated to predominately serve tenants of the nearby establishments during their normal business hours. The applicant has described the operations of the business as follows:

Hours:	Monday- Friday 8am- 5pm
Number of seats:	14
Number of customers/ day:	50 to 60
Noise:	None
Odors:	No odors are anticipated by the business
Trash/Litter:	The applicant anticipates producing four bags per day and proposes trash collection occurring once per day.

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for four seats. A restaurant use with 14 seats will be required to provide four off-street parking spaces all of which are being provided on-site.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the Office Commercial Medium 100 (OCM 100) zone. Section 4-1000 (AA) of the Zoning Ordinance allows a restaurant in the Office Commercial Medium 100 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 office/industrial use.

**II. STAFF ANALYSIS**

Staff does not object to the proposed restaurant. The restaurant will be small and surrounded by non-residential uses, reducing the potential for any negative impacts. Given the proposed hours of operation, the restaurant will predominately serve employees of the building and surrounding area. In addition, the applicant is providing the required four parking spaces on-site. Staff has included a condition requiring a one-year review of the restaurant to ensure that there are no issues with the restaurant operations.

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 restaurant shall be limited to daily from 7am- 7pm. (P&Z)
3. Seating shall be provided for no more than 14 patrons. Outdoor seating shall not be provided. (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. No food, beverages, or other material shall be stored outside. (P&Z)
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 container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of the containers. (P&Z)
9. Litter on the site and on public right-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)
10. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for all employees prior to operation. (Police)
11. The applicant shall require that all employees who drive to work use off-street parking. (P&Z)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
13. 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)
14. Loudspeakers and/or musicians shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

15. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
16. 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)
17. 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: Richard Josephson, Acting Director; Department of Planning & Zoning  
James Hunt, 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.
- 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 and/or musicians shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-5 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.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials.(Sec. 5-1-99)

Code Enforcement:

- 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 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-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 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- F-1 This facility is currently operating as Renaissance Caterer under an Alexandria Health permit, issued to Javier C. Nogales and Michele L. Berwinkle.
- 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 area.
- 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 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 readiness presentation for all employees.
- F-1 The applicant is not seeking an “ABC” permit. The Police Department concurs with this.

SUP #2006-0086  
4936-A Eisenhower Avenue

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