

CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Docket Item #3
SPECIAL USE PERMIT #2007-0028

Planning Commission Meeting
June 5, 2007

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

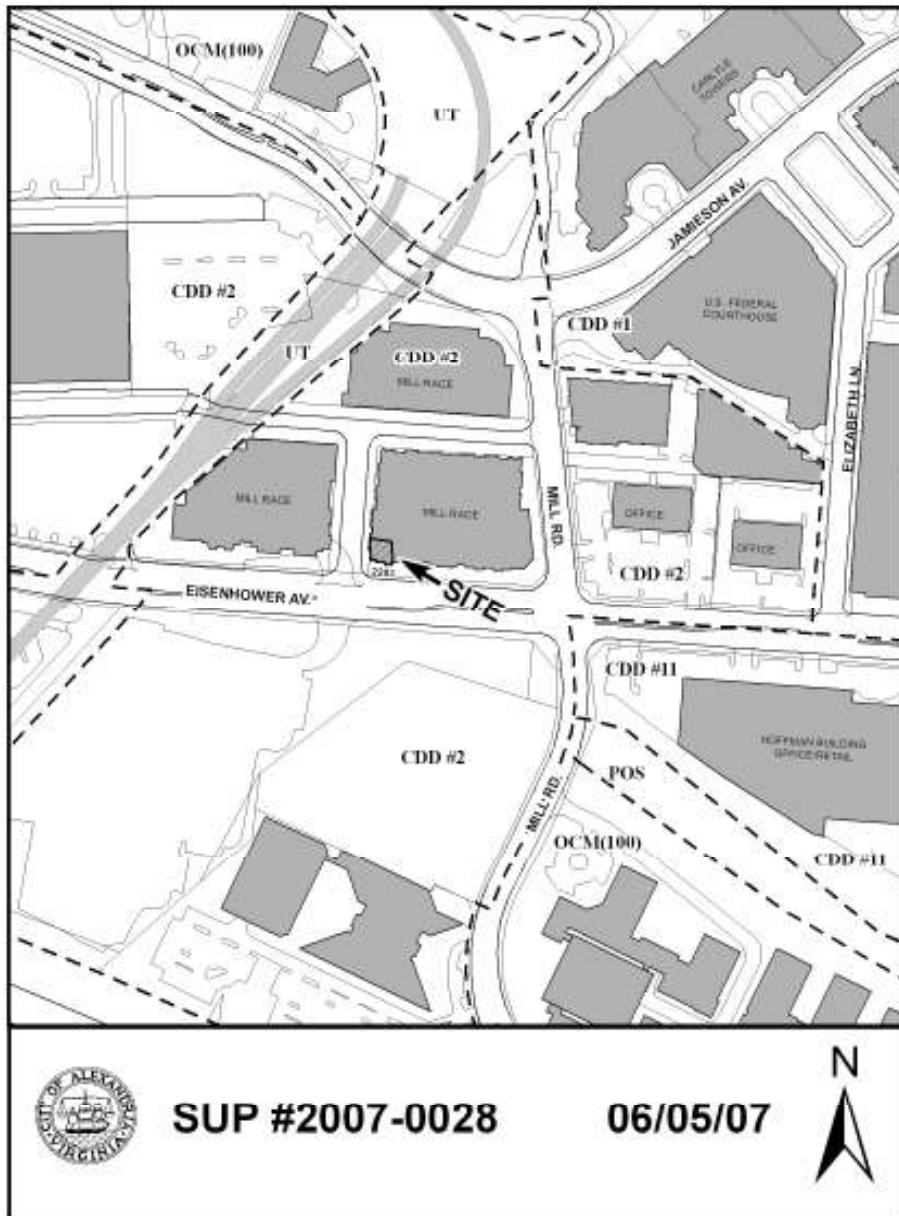
APPLICANT: Tae Paul Park
Uptown Market and Cafe

STAFF: Richard Bray
Richard.bray@alexandriava.gov

LOCATION: 2281 Eisenhower Avenue

ZONE: CDD-2/Coordinated Development District #2

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.



I. DISCUSSION

REQUEST

The applicant, Tae Paul Park, requests special use permit approval for the operation of a deli and market located at 2281 Eisenhower Avenue.

SITE DESCRIPTION

The subject property is the ground level retail suite at the south-west corner of the Carlyle Place Apartments, with frontage on Eisenhower Avenue and a total lot area of 1,900 square feet. The site is under construction and will be a residential apartment building with ground level retail. Access to the property is from Eisenhower Avenue.



The surrounding area is occupied by a mix of multifamily residential buildings and office buildings. Immediately to the north and east are office buildings. To the south is vacant land. To the west is a multifamily residential building under construction.

BACKGROUND

On September 14, 2002, City Council granted Development Special Use Permits #2002-0002 and #2002-0003 for the construction of two residential buildings and an office building, all with ground floor retail. These DSUPs allow full service restaurants without a separate Special Use Permit. Since this is to be a deli and a market, a Special Use Permit is necessitated.

PROPOSAL

The applicant proposes to operate a 1,900 square foot deli and market offering hot and cold prepared foods and made to order sandwiches. The market will sell typical convenience store fare including dairy, cereal, cold drinks and beer/wine for off premises consumption. There is to be no on premises consumption of alcohol.

The proposed use is further described as follows:

Hours: 7:00 a.m. – 9:00 p.m., Monday – Friday
 8:00 a.m. – 9:00 p.m., Saturday
 8:00 a.m. – 6:00 p.m., Sunday

Number of seats: 14 inside, 10 outside, 24 seats total

Noise: No adverse noise impacts anticipated

Trash/Litter: Commercial trash removal, employees will monitor littering

Alcohol: Off premises sale of beer and wine only

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every 4 seats. A restaurant with 24 seats will be required to provide 6 off-street parking spaces. Seven spaces are allocated for the proposed use in the parking garage.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD-2 zone. Section 5-602(A) of the Zoning Ordinance allows a restaurant in the CDD-2 zone only with a special use permit.

The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for multi purpose use.

II. STAFF ANALYSIS

Staff is supportive of this deli and market. The original DSUP calls for the ground floor retail to provide “active pedestrian-oriented retail uses.” Staff feels that this use is well suited to serve the needs of the residents of the apartment building, as well as the office buildings around the site. Staff has set the hours of operation as 7:00 a.m. to 9:00 p.m., daily to offer the applicant the flexibility to meet his customer’s demands.

With the following 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 deli and market shall be limited to 7:00 a.m. to 9:00 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. Seating shall be provided for no more than 24 patrons inside and outside. (P&Z)
7. The applicant may provide seating for up to 10 patrons outside. (P&Z)
8. The applicant shall comply with any requirements adopted as a part of a smoke free restaurant ordinance. (P&Z)
9. 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
10. 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)
11. 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. (T&ES)
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 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)

14. Loading and unloading activities shall not occur between the hours of 11:00 p.m. to 7:00 a.m. (T&ES)
15. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
16. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
17. 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. (Police)
18. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding robbery readiness training for all employees. (Police)
19. 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 an alcohol content of 14% or more by volume) may not be sold. (Police)
20. 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:

Faroll Hamer, Director, Department of Planning and Zoning
Richard Josephson, Deputy Director, Department of Planning and Zoning;
Richard Bray, 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 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-2 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-3 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.
- R-4 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-5 The applicant shall control 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.)
- R-6 Loading and unloading activities shall not occur between the hours of 11:00 p.m. to 7:00 a.m.
- R-7 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line.
- C-1 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).

- C-2 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:

- C-1 A fire prevention code permit is required for the proposed operation
- C-2 Any alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC)
- C-3 Any proposed 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 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-5 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, 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.

Parks & Recreation:

- F-1 No Comment

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 robbery readiness training for all employees.
- F-1 The applicant is seeking an “ABC Off” License only. The Police Department has no objections to sale of alcohol off premise subject to the following conditions:
 - 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. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
 - 2. That the SUP is reviewed after one year.

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