

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 #5
SPECIAL USE PERMIT #2007-0054

Planning Commission Meeting
September 6, 2007

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

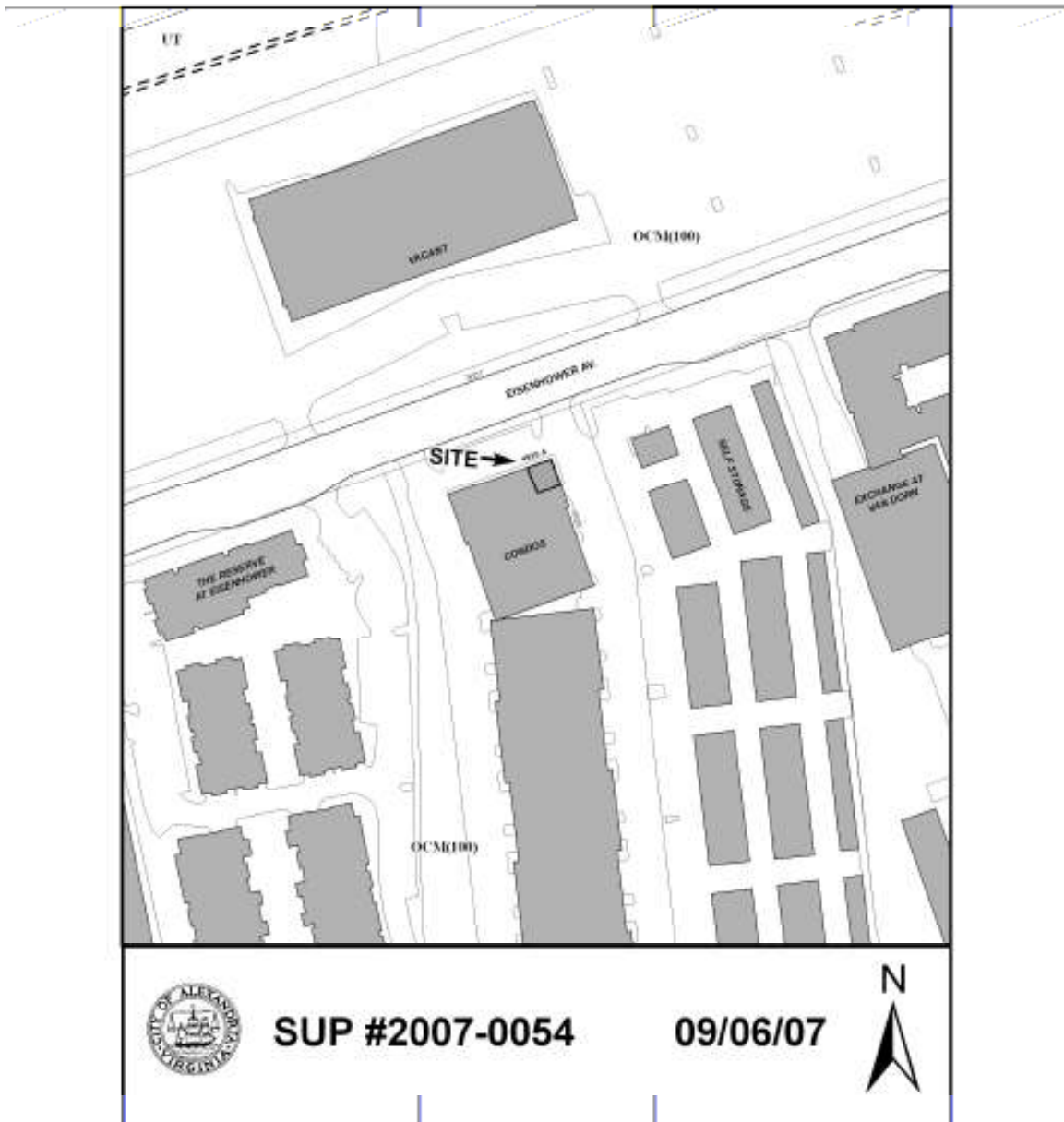
APPLICANT: Garcia & Martinez, Inc.
by Mercedes Garcia & Jesus Martinez

STAFF: Richard Bray
Richard.bray@alexandriava.gov

LOCATION: 4926-A Eisenhower Avenue

ZONE: OCM(100)/Office Commercial Medium

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 applicants, Mercedes Garcia & Jesus Martinez, Garcia & Martinez, Inc., request special use permit approval for the operation of a restaurant with carry-out located at 4926-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. Access to the property is from Eisenhower Avenue. The site is developed according to Site Plan #80-0032, with the 'Build America Six' Industrial Park, a one-story warehouse with 150,000 square feet of floor area, 335 parking spaces, and more than 40 units, occupied by a variety of retail, light industrial/manufacturing, auto repair, storage and restaurant uses. The 1,800 square foot space is located on the front of the building facing Eisenhower Avenue, and is currently vacant.



The site is surrounded by commercial, industrial, auto related, storage, and residential uses. The railroad tracks abut the site to the south, an office building is located on the north side of Eisenhower Avenue, a self-storage lot is adjacent to the warehouse complex to the east and multi-family residential buildings to the west.

BACKGROUND

Previously, the commercial space was occupied by Harmon Auto Glass. On July 24, 2007, staff inspected the property and found the space currently vacant.

PROPOSAL

The applicants propose to operate a deli restaurant and carry-out. The applicants propose to offer coffee, pastries and cold sandwiches. The specific aspects of the restaurant are proposed by the applicant are as follows:

- Hours: 5:30 A.M. to 4:30 P.M, Monday - Saturday
- Number of seats: 16
- Noise: No noise impacts are anticipated.

Trash/Litter: Expected trash types include plastic and paper bags, used cups and utensils, as well as food residuals. Trash and garbage will be deposited and stored in existing dumpsters for the complex until collected by a commercial collector at least 5 days a week.

Alcohol: The applicants do not plan to sell alcohol.

Delivery Service: The applicants propose carry-out in addition to dining in, but do not propose delivery service.

PARKING

According to Section 8-200(A) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 16 seats will be required to provide four off-street parking spaces. An inspection of the property found that four parking spaces are reserved for the tenant space.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the OCM(100), Office Commercial Medium zone. Section 4-1003(AA) of the Zoning Ordinance allows a restaurant in the OCM(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 commercial use.

II. STAFF ANALYSIS

Staff has no objection to the proposed restaurant and carry-out to be located at 4926-A Eisenhower Avenue. The applicant anticipates that a majority of its patrons will be from the surrounding offices and businesses. The proposed use will provide a useful service and is compatible with the surrounding commercial uses.

Therefore, staff recommends approval of the special use permit to operate a restaurant with carry-out.

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 5:30 A.M. and 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 seating capacity shall be limited to 16 seats. (P&Z)
5. No alcohol service shall be permitted. (P&Z)
6. No live entertainment shall be provided at the restaurant. (P&Z)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. 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)
9. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
10. 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)
11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
12. 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)
13. 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 within 60-days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)

14. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)
15. 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 employees. (P&Z)
16. 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)
17. 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)
18. 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, 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 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 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-3 All loudspeakers 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-5 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-6 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 within 60-days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.
- R-7 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees.

- 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 A **new** 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-2 Any proposed alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Any proposed additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).
- 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 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-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 and Recreation:

- F-1 No comments.

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 program for all employees.
- F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs.

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