

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 #9
SPECIAL USE PERMIT #2007-0067

Planning Commission Meeting
September 6, 2007

ISSUE: Consideration of a request for a special use permit to add outdoor seating to an existing Dunkin' Donuts/Baskin-Robbins.

APPLICANT: JBAR, Inc.
by Jerome Johnson

STAFF: Richard W. Bray
Richard.bray@alexandriava.gov

LOCATION: 3050 Duke Street

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.



SUP #2007-0067

09/06/07



I. DISCUSSION
REQUEST

The applicant, JBAR Inc., requests an amendment to their Special Use Permit to allow outdoor seating at the Dunkin’ Donuts restaurant located at 3050 Duke Street.

SITE DESCRIPTION

The subject property is one lot of record with approximately 75 feet of frontage on Duke Street, approximately 100 feet of depth and a total lot area of approximately 7,593 square feet. The site is developed with a one story building and 11 parking spaces.



The surrounding area is occupied by a mix of commercial, industrial and residential uses. To the north across Duke Street is an ARHA housing development, Alexandria Commons Shopping Center and a 7-11 convenience store. To the south are warehouse buildings. To the east is an automobile sales business. To the west is Kenny’s Barbecue restaurant.

BACKGROUND

On November 18, 1978, City Council granted Special Use Permit #1212 to Danish, Inc., t/a Mister Donut, for the operation of a restaurant. The restaurant was approved to operate 24 hours a day and to provide a total of 32 seats. On December 16, 2000, City Council approved Special Use Permit # 2000-0121 for the expansion of the Dunkin’ Donuts, to include a walk-up window. A condition of SUP #2000-0121 was that there be no outdoor dining facilities. On March 13, 2006, staff administratively approved Special Use Permit #2006-0014 for the change of ownership to JBAR Inc. The business now operates as a Dunkin’ Donuts and Baskin-Robins restaurant.

On July 25, 2007, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found the applicant in violation of condition 3, prohibiting outdoor dining.

PROPOSAL

The applicant proposes to shift up to 12 of his indoor seats to outdoor dining. There is no proposal to increase overall seating or any other aspects of the restaurant.

Hours: 24 hours, 7 days a week

Number of seats: 32

Noise: No adverse impacts anticipated or observed

Trash/Litter: Commercial trash collection twice a week, staff patrols property

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 32 seats is required to provide eight off-street parking spaces. There are 11 parking spaces provided for the existing restaurant.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG/Commercial general 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 Taylor Run/Duke Street small area plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff supports the requested amendment to the special use permit. The restaurant has space in the front for tables and chairs without reducing the parking. Ice cream shops commonly have outdoor seating areas and this location can provide such seating with no physical alterations to the site.

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 business or entity in which the applicant has a controlling interest. (P&Z)(SUP2000-0121)
2. Seating shall be provided for no more than 32 patrons. (P&Z)(SUP2000-0121)
3. **CONDITION DELETED BY STAFF:** ~~No outside dining facilities shall be located on the premises. (P&Z)(SUP2000-0121)~~
4. No live entertainment shall be provided at the restaurant. (P&Z)(SUP2000-0121)

5. The restaurant is permitted to operate 24 hours a day. (P&Z)(SUP2000-0121)
6. No alcohol sales are permitted. (P&Z)(SUP2000-0121)
7. No pay telephones shall be installed on site. (P&Z)(SUP2000-0121)
8. No food, beverages, or other material shall be stored outside. (P&Z)(SUP2000-0121)
9. 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 those containers. (P&Z)(SUP2000-0121)
10. 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)(SUP2000-0121)
11. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z)(SUP2000-0121)
12. The applicant shall obtain, at its expense, one City trash container model 2701-SP for installation on the adjacent public right-of-way and shall contact the T&ES Solid Waste Division at (703)751-5130 for information. (T&ES)(P&Z)(SUP2000-0121)
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)(SUP2000-0121)
14. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)(SUP2006-0014)
15. No amplified sound shall be audible at the property line. (P&Z)(SUP2000-0121)
16. The applicant shall require that its employees who drive to work use off-street parking. (P&Z)(SUP2000-0121)
17. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees prior to the completion of renovations. (Police)(SUP2000-0121)

18. A minimum of two foot candles of lighting shall be maintained in the parking lot. (Police)(SUP2000-0121)
19. All lighting shall be directed downward and shall be screened at the sides to avoid glare on the street and on adjacent properties and public rights-of-way to the satisfaction of the Director of Planning and Zoning. (P&Z)(SUP2000-0121)
20. The dumpster shall be screened with a solid wood fence and shall be maintained in good condition. (P&Z)(SUP2000-0121)
21. The applicant shall install and maintain landscaping along the Duke Street frontage of the property as depicted on staff's plan to the satisfaction of the Director of Planning and Zoning and the City Arborist. All landscaping shall be installed by November 18, 2001. (P&Z)(SUP2000-0121)
22. The applicant may retain the existing noncomplying sign until the City adopts streetscape standards and design guidelines for Duke Street that incorporate a new approach for signage at this location. The applicant shall remove the existing sign and replace it with a monument sign consistent with the guidelines within six months of their adoption. (PC)(SUP2000-0121)
23. The Director of Planning and Zoning shall review the special use permit one year after approval 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, (b) the director has received a request from any person to docket the permit for review, or (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)(SUP2000-0121)
24. The applicant shall post the hours of operation at the entrance of the restaurant. (P&Z)(SUP2006-0014)
25. **CONDITION ADDED BY STAFF:** The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (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 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.
- C-2 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- F-1 This facility is currently operating as Dunkin' Donuts under an Alexandria health permit issued to JBAR, Inc.
- C-2 Food must be protected to the point of service.
- C-3 If changes to the facility are to be done, 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 Permits or approval must be obtained prior to use of new area(s).

- C-5 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 Certified Food Managers must be on duty during all hours of operation.

Parks & Recreation:

- F-1 No comment

Police Department:

- F-1 The Police Department has no objections to the amendment to allow for outdoor seating.

SUP #2007-0067
3050 Duke Street

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