

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 #2007-0109

Planning Commission Meeting
December 4, 2007

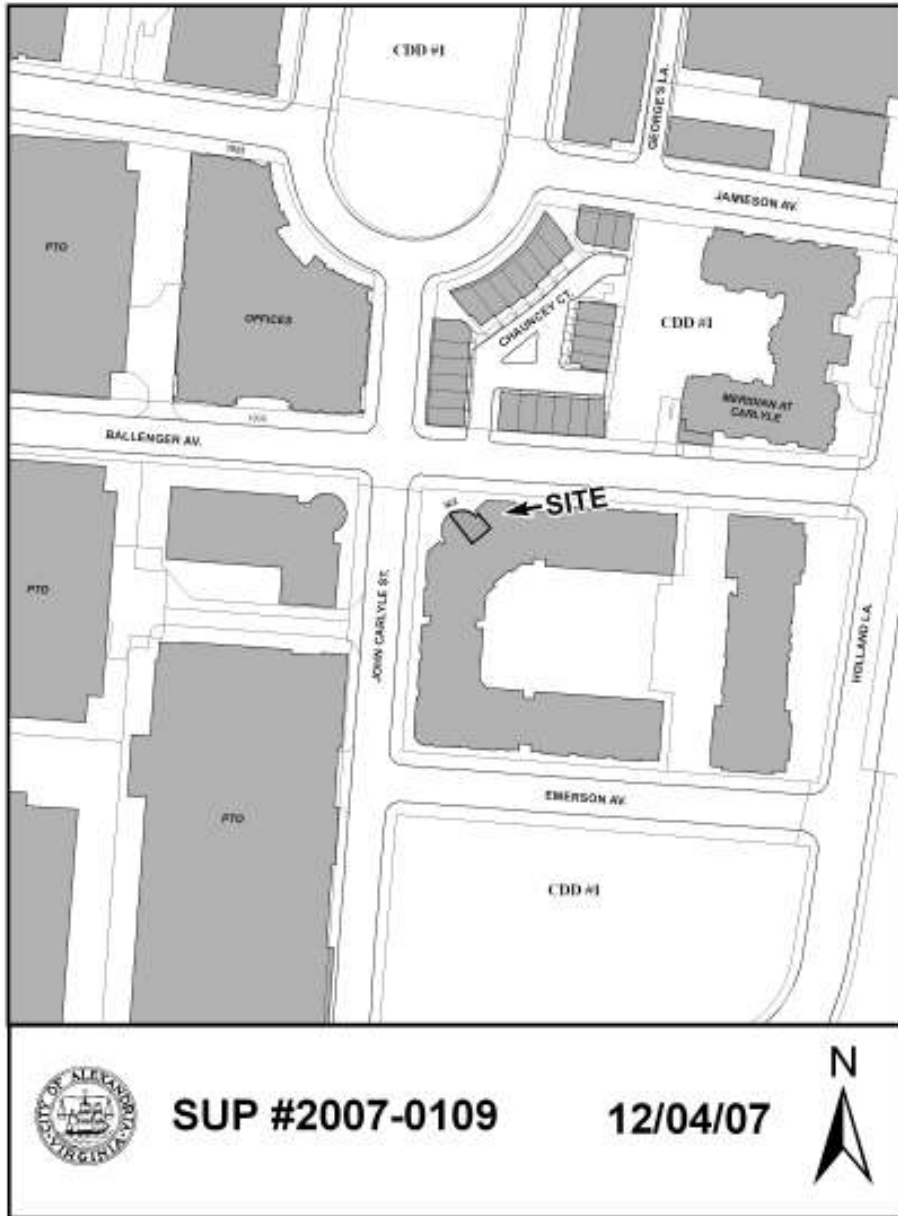
ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: A Guy Named Moe at Carlyle, LLC
By Duncan W. Blair, attorney

LOCATION: 502 John Carlyle Street (Parcel Address: 520 John Carlyle Street)

ZONE: CDD-1/Coordinated Development District

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, A Guy Named Moe At Carlyle, LLC, requests special use permit approval for the operation of a restaurant located at 520 John Carlyle Street.

SITE DESCRIPTION

The subject property is one lot of record with 275 feet of frontage on John Carlyle Street, 277 feet of frontage on Ballenger Avenue and a total lot area of approximately 74,867 square feet. The site is developed with a multi use condominium building. Access to the property is from John Carlyle Street or Ballenger Avenue. The proposed restaurant will occupy a 2,900 square foot, ground floor retail space that is currently vacant.



The surrounding area is occupied by a mix of office, residential and retail uses. Immediately to the north are townhouses. To the south is a residential building with ground floor retail. To the east is a high-rise residential building, and west is an office building with ground floor retail.

PROPOSAL

The applicant proposes to operate a quick serve type restaurant serving southwest style cuisine. The restaurant proposes to open for lunch and dinner and anticipates approximately 240 customers per day. Beer and wine will be served for on-premises consumption only. Details of the proposal are as follows:

Hours: 11:00am – 10:00pm, Daily

Number of seats: 80 indoor
40 outdoor
120 total

Noise: The applicant does not anticipate any noise problems.

Trash/Litter: Trash will be disposed of in the building's trash compactor; staff will patrol the adjacent right-of-way for litter.

RESTAURANTS IN CARLYLE

There are five full service restaurants that have received administrative approval in Carlyle. The Carlyle Club, Zikrayet, Pasara Thai, Jamieson Grille and Pizzeria Venti have all received approval and are either open or will be opening shortly. There are 11 quick serve restaurants that have received SUP approval in Carlyle. Uptowners Café,

Subway, Plaza Gourmet, Jimmy John's, Quizno's, Jerry's Subs, two Starbucks, Bruegger's Bagels, Robek's and Potbelly have all received approval and are either open or will be opening shortly. Of those 11 quick serve restaurants there are two Starbucks and a Robek's fruit smoothy shop. Not counting the two coffee shops and the smoothy shop yields a full service to quick serve ratio of 5:8.

The Alexandria Economic Development Partnership participated in a roundtable discussion with members of City Council and retail consultants to determine a successful model for retail in the Carlyle Development. It was determined at the roundtable that a destination dining model would be more feasible than a large scale destination retail model. The retail consultants recommended that the City promote diverse dining options in Carlyle.

PARKING

Pursuant to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant with 78 seats is required to provide 20 off-street parking spaces. The parking requirements for the subject building were specified in the Transportation Management Plan for the Carlyle Development (Special Use Permit#2254), and these parking requirements were met for the subject site in the development of the on-site parking garage.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD#1/Coordinated Development District zone. Section 5-602(A) of the Zoning Ordinance identifies OC/Office Commercial zone as the underlying zone, which allows a restaurant for use other than full-service 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 a use consistent with the OC zoning requirements listed under the CDD #1 zone.

II. STAFF ANALYSIS

Staff supports the proposed restaurant in the Carlyle development. While many customers of restaurants in Carlyle are office workers within Carlyle seeking a variety of choices for quick meals for their limited lunch breaks, there are also now more full service restaurants than there were three months ago. The proposed restaurant, which is a southwest grille style restaurant, is a new concept in the Carlyle development. It will provide additional variety to both office workers and residents of Carlyle.

The increase in full service restaurant approvals over the past three months shows that the administrative use permit is successful at promoting full service restaurants in Carlyle. This will ensure a beneficial mix between full service and quick serve in the future. Although the applicant anticipates being open from 11:00 am to 10:00 pm, daily, staff has conditioned the hours to match the administratively approved restaurants, 7:00 am to

12:00 am, daily, to provide greater flexibility for the applicant.

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 for the restaurant shall be 7am- 12am 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. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
7. 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)
8. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
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. 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)
11. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
12. 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)
13. 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)
14. 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 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. (T&ES)
- 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. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
- 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. (T&ES)
- 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. (T&ES)
- 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 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 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 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 Required exits, parking, and facilities shall be accessible for persons with disabilities.
- 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.
- C-8 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.

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 operations.
- 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 On” license only. The Police Department has no objections.

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