

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 #2006-0120

Planning Commission Meeting
March 6, 2007

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

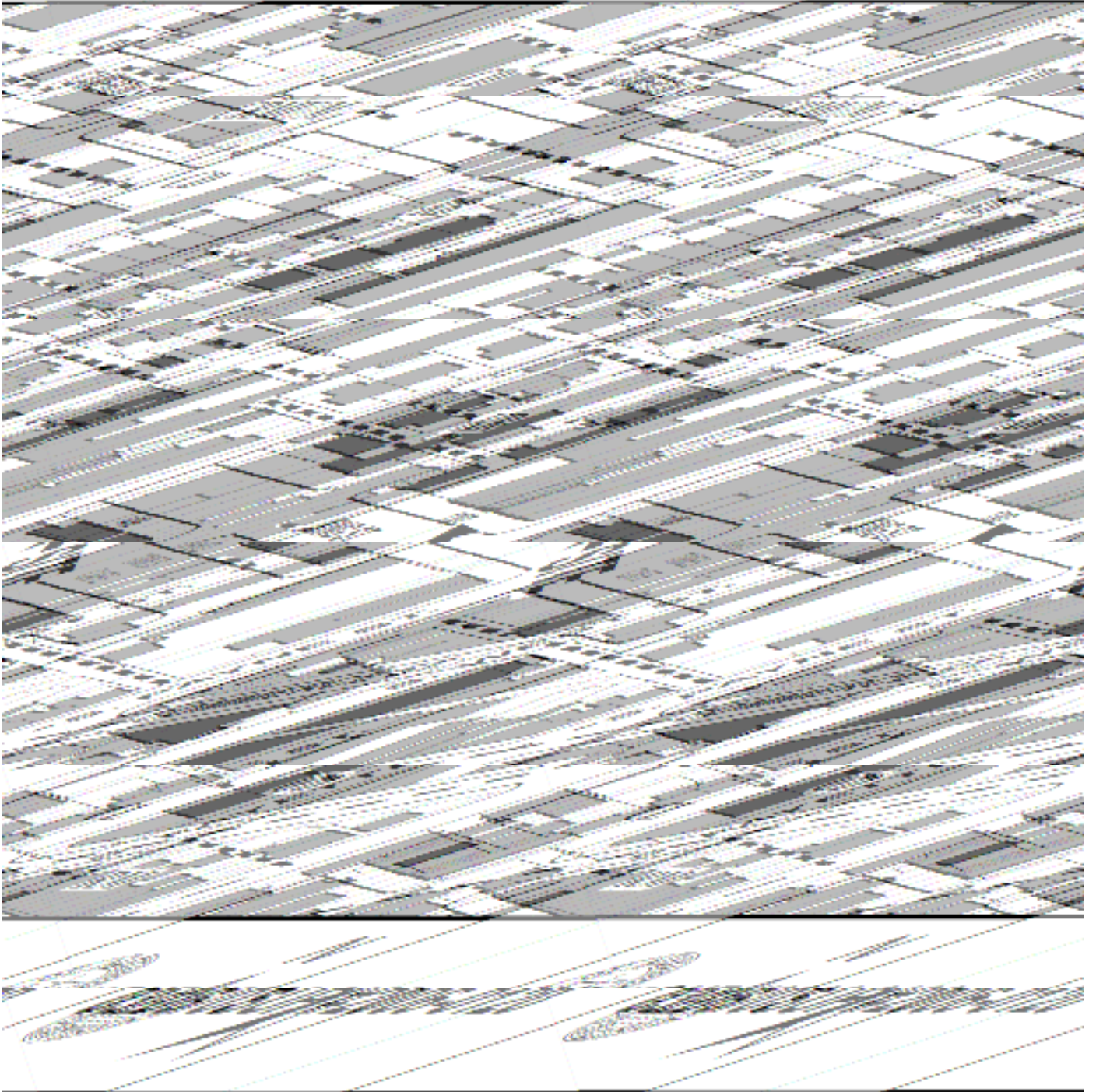
APPLICANT: Boyd W. Walker, Bakery Orlov

STAFF: James Hunt, Planner
james.hunt@alexandriava.gov

LOCATION: 1307 King Street

ZONE: KR/King Street Retail

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, Boyd W. Walker, requests special use permit approval for the operation of a bakery restaurant, known as Bakery Orlov, located at 1307 King Street.

SITE DESCRIPTION

The subject property is one lot of record with 23 feet of frontage on King Street, 100 feet of depth and a total lot area of 2,300 square feet. The site is developed with a three-story commercial building, previously occupied by Orlov Gallery. Access to the property is from a rear private alley accessed by North Payne Street.



A mix of retail, restaurant, personal service, commercial office, and residential uses occupies the surrounding area. Immediately to the north are town homes, Art Underfoot Warehouse, Fleet Reserve Association offices, and Empowered Gallery. To the south is King's Auto Incorporated. To the east and west are Golden Rhodes (retail) and Stella's Attic (retail), respectively.

PROPOSAL

The applicant requests special use permit approval to operate Bakery Orlov. The applicant proposes to produce baked goods, sell coffee, tea and beverages for on and off-premise consumption. The operations of the business as proposed by the applicant are as follows:

Hours:	6am- 12am Daily
Number of seats:	30 indoor seats
Noise:	No noise impacts are anticipated however, staff will control noise levels inside the restaurant.
Trash/Litter:	No extraordinary trash is anticipated to be generated and the applicant proposes to recycle. Trash is to be collected once per week.
Live Entertainment:	Non-amplified acoustical music is being proposed.
Alcohol Service:	No alcohol service is being proposed.

PARKING

According to Section 8-200(A) of the Zoning Ordinance, a restaurant use requires one parking space for every four seats. A restaurant with 30 seats will be required to provide eight parking spaces. However, under Section 8-300(B), restaurants located within the central business district are not subject to parking requirements. The Old Town Restaurant Policy does require the applicant to address the need for off-street parking. According to condition #10, the applicant shall participate in any organized program to assist with both employee and customer parking, and condition #12 requires employees to park off-street.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Urban Retail zone. Section 6-702 (A)(2) of the Zoning Ordinance allows a restaurant in the KR/King Street Urban Retail zone only with a Special Use Permit.

The proposed use is consistent with the King Street Retail Strategy within the Master Plan.

BOARD OF ARCHITECTURAL REVIEW

The location of the restaurant is within the jurisdiction of the Old and Historic Board of Architectural Review. Since the applicant is not proposing any exterior changes to the building, the applicant is not required to file with the BAR for review. However, if there are any exterior changes to the building that are visible from the public right-of-way, the applicant will be required to file an application for review of the modifications with the Old and Historic Board of Architectural Review.

II. STAFF ANALYSIS

Staff has no objection to the proposed restaurant. Staff finds that the restaurant will contribute to vitality along this area of King Street and will contribute to a mix of restaurant opportunities in the area. Presently, there are three restaurants on the 1300 block of King Street. When compared with other blocks to the east, the 1300 block of King Street has fewer restaurants.

Although there is no parking requirement for restaurants located within the Central Business District, the business is expected to address the need for off-street parking. Staff has included conditions #8 and #10 which require the applicant to participate in any City sponsored parking validation program and provide employees with transit subsidies for using public transportation.

Staff has included a condition requiring a review of the restaurant one year after this approval so if there are any problems with its operation, additional conditions may be imposed. With the proposed conditions, staff recommends approval of the subject application.

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 6am- 12am 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 30 seats. (P&Z)
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. (P&Z)
6. Trash and garbage shall be place 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)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z)
9. 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. (Police)
10. 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. (T&ES) (P&Z)
11. 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. (P&Z)

12. No alcohol service shall be permitted. (P&Z)
13. Indoor live entertainment shall be permitted to the extent that no amplified sound is audible outside the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)
14. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hours. (P&Z)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
16. 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)
17. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
18. 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)
19. 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)
20. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)

21. 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 a result of a complaint that rises to the level of a violation of the permit conditions, 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)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;
James Hunt, 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 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-6 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-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 The current use is classified as M & R; the proposed use is A-2. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 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-7 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-8 Toilet Rooms for Persons with Disabilities:
 - (a) Water closet heights must comply with USBC 1109.2.2
 - (b) Door hardware must comply with USBC 1109.13
- C-9 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C-10 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-11 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 & 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 readiness program for all employees.
- F-1 The applicant is not seeking an ABC permit. The Police Department concurs.

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