

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 #4
SPECIAL USE PERMIT # 2007-0116

Planning Commission Meeting
January 3, 2008

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

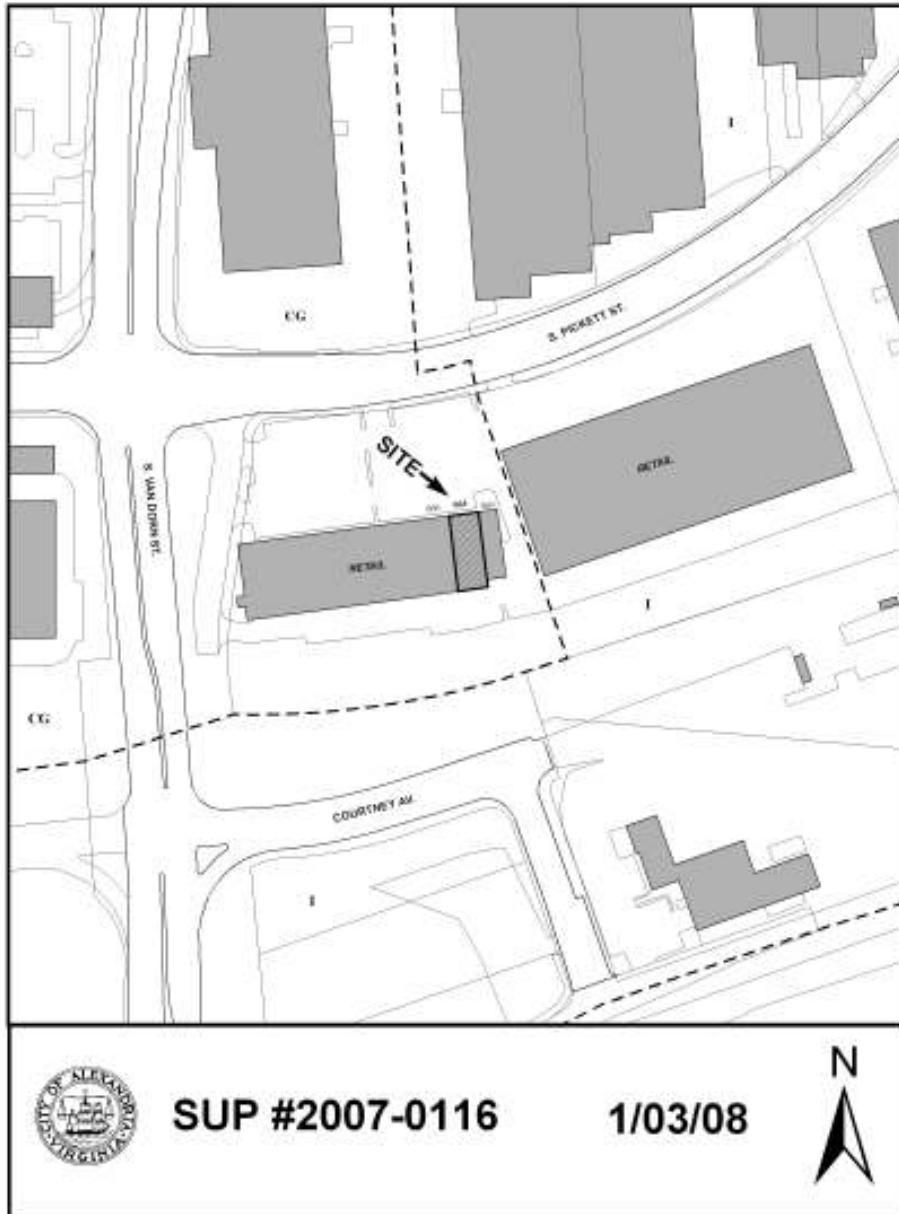
APPLICANT: Walter Lozano

STAFF: Richard Bray
richard.bray@alexandriava.gov

LOCATION: 664 S Pickett Street (Parcel Address 660 S. Pickett 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.



I. DISCUSSION

REQUEST

The applicant, Walter Granados-Lozano, requests amendments to a special use permit for the operation of a restaurant located at 664 South Pickett Street.

SITE DESCRIPTION

The subject property is a 1,630 square foot tenant space located in Pickett Plaza. Pickett Plaza is one lot of record with 240 feet of frontage on South Pickett Street, 325 feet of frontage on South Van Dorn Street and a total lot area of 102,282 square feet. The site is developed with a shopping center. Access to the property is from South Pickett Street.

The surrounding area is occupied by a mix of commercial and industrial uses. Immediately to the north is a moving and storage company warehouse. To the south is the Virginia Paving asphalt operation. To the east is a shopping center and to the west is a self storage facility.



BACKGROUND

On June 3 2003, City Council granted Special Use Permit #2003-0039 for the operation of a restaurant in the subject tenant space. On February 1, 2006, staff administratively approved Special Use Permit #2005-0134, a change of ownership for the restaurant. On March 26, 2007 staff administratively approved Special Use Permit #2007-0021, a change of ownership for the restaurant.

On November 29, 2007, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

PROPOSAL

The applicant proposes to increase the hours of operation of the current restaurant. There are no other changes proposed.

Hours: Current: 12:00 pm – 1:00 am, daily
 Proposed: 11:00 am – 2:00 am, daily

Number of seats: 78, no change

Noise: This is an industrial and commercial area of town, there are no noise impacts anticipated

Trash/Litter: Trash is collected twice a week, this has proven sufficient. There are trash cans on the property to control litter.

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 78 seats will be required to provide 20 off-street parking spaces. Pickett Plaza provides sufficient parking to meet the required parking

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 Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for retail and service uses.

II. STAFF ANALYSIS

Staff supports the amendment for extended hours for this restaurant. There have been no complaints at the property and the neighborhood is primarily industrial. Staff feels that a closing hour of 2:00 am would be appropriate given the late hours allowed at Nick's Restaurant at 642 South Pickett Street. Although the applicant requests an opening hour of 11:00 am, staff is recommending 8:00 am to give the applicant flexibility in operations.

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) (SUP2003-0039)
2. No more than 78 seats may be provided. (P&Z) (SUP2003-0039)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP2003-0039)

4. Live entertainment may be provided. (P&Z) (SUP2003-0039)
5. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to ~~12:00 noon~~ 8:00 am to ~~1:00 am~~ 2:00 am daily. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP2003-0039)
7. On site alcohol service is permitted. No off-premise alcohol sales are permitted. (P&Z)(SUP2003-0039)
8. No food, beverages, or other material shall be stored outside. The applicant shall be permitted to store two 50 to 75 gallon cooking oil drums directly behind the restaurant adjacent to the rear stairs. These drums shall be covered by a lid at all times. (P&Z)(SUP2003-0039)
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)(SUP2003-0039)
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)(SUP2003-0039)
11. No equipment including kitchen equipment shall be cleaned outside, nor shall any cooking residue or any other waste be washed onto the streets, sidewalks, alleys, or into storm sewers. (T&ES)(SUP2003-0039)
12. 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)(SUP2003-0039)
13. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise will be audible at the property line. (T&ES)(SUP2003-0039)
14. **CONDITION AMENDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all SUP provisions and requirements and on how to prevent underage sales of alcohol. (P&Z)

15. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)(SUP2003-0039)
16. 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)
17. The new applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery awareness program for all employees. (Police)(SUP2005-0134)
18. **CONDITION ADDED BY STAFF:** 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. **CONDITION ADDED BY STAFF:** Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
20. **CONDITION ADDED BY STAFF:**The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (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 Carry over conditions from SUP2007-00021. (T&ES)
- R-2 Applicant shall contribute \$500.00 to the Litter Control 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)
- R-3 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)
- 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:

- F-1 No Comment

Health Department:

- F-1 No Comment

Parks & Recreation:

- F-1 No Comment

Police Department:

- F-1 The applicant is seeking an “ABC On” license only. The Police Department has no objections.
- F-2 The Police Department has no objections to the amendment to expand the hours of operation from 12:00 p.m. – 1:00 a.m. to 11:00 a.m. – 2:00 a.m.
- F-3 The Police Department requests that the SUP is reviewed after one year to ensure applicant is compliant with Planning and Zoning recommendations and that the extended hours has not caused an increase in nuisance crime.

SUP #2007-0116
664 S. Pickett Street

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