

Docket Item #9
SPECIAL USE PERMIT # 2007-0127

Planning Commission Meeting
January 3, 2008

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

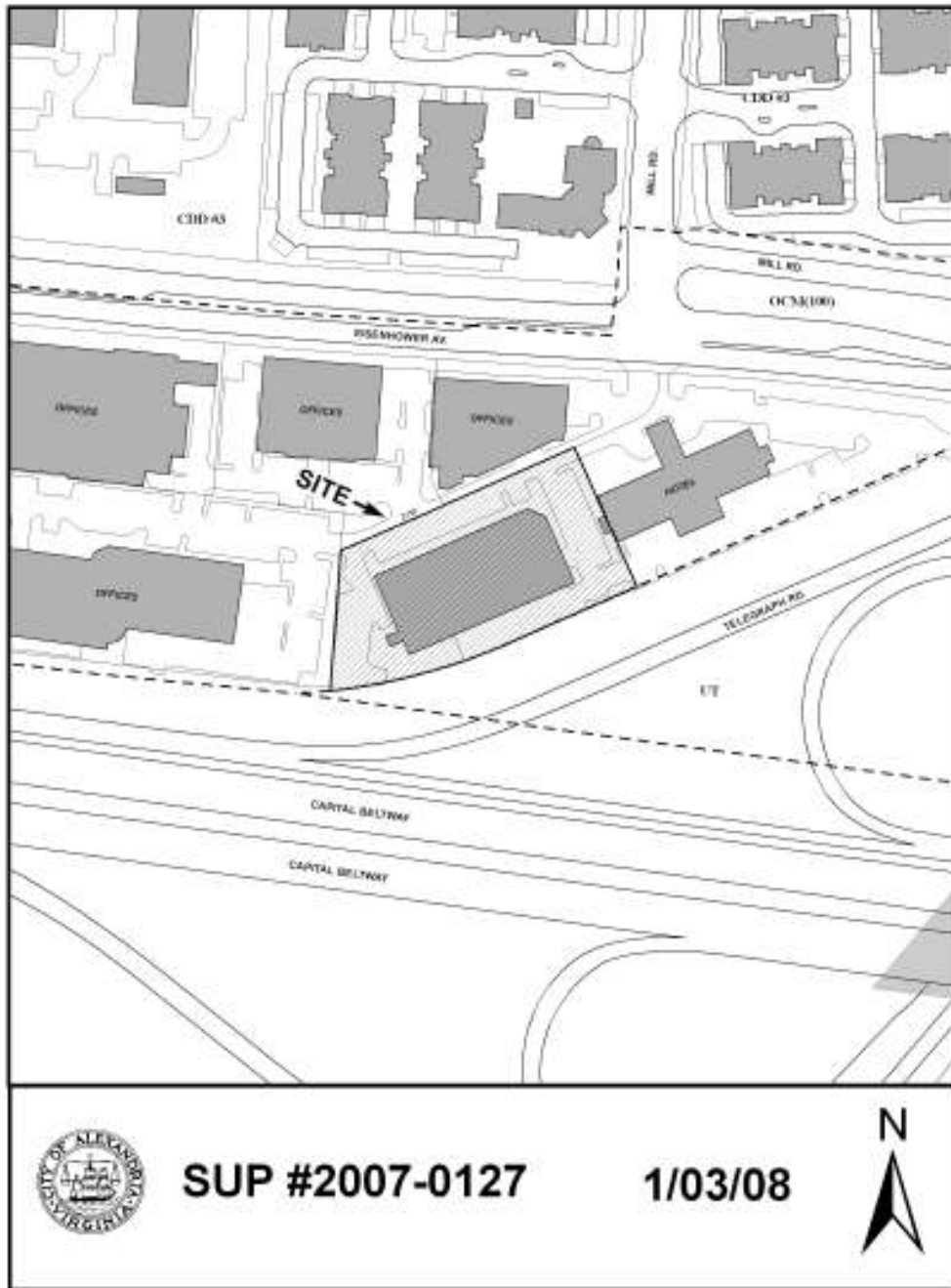
APPLICANT: Backstreets, LLC
by Ulka Patel, attorney

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

LOCATION: 2730 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 applicant, Ulka Patel, requests approval of a special use permit for the operation of a trailer based carry-out restaurant located at 2730 Eisenhower Avenue.

SITE DESCRIPTION

The subject property is one lot of record within the Alexandria Tech Center office complex on Eisenhower Avenue and a total lot area of 59,689 square feet. The site is developed with an office building housing Strayer College. Access to the property is from Eisenhower Avenue.

The surrounding area is occupied by a mix of commercial and office uses. Immediately to the north is an office building in the Alexandria Tech Center complex. To the south is the Capital Beltway and Fairfax County. To the east is the Courtyard hotel and west is an office building in the Alexandria Tech Center complex.



BACKGROUND

On April 17, 1993, City Council approved Special Use Permit #2685 for the operation of a private school on the subject property. On June 15, 2002, City Council approved Special Use Permit #2002- 0036 for the expansion of the existing private school and the allowance of off-site parking.

PROPOSAL

The applicant proposes to operate a carry-out restaurant out of a mobile trailer on the grounds of Strayer University. The applicant wishes to move the trailer in the evenings and operate a mobile catering business on weekends.

Hours: 11:00 am – 6:00 pm, Monday – Friday

Number of seats: Carry-out only

Noise: No noise will be audible at the property line

Trash/Litter: Trash will be removed from the site by the applicant and disposed of at a transfer facility in Fairfax County; the applicant will supply a trash can on the premises for use by customers and will patrol the site for litter

PARKING

Staff has determined that parking for carry-out restaurants shall be equivalent to retail uses. According to Section 8-200(A)(16) of the Zoning Ordinance, a carry-out restaurant requires 1.2 parking space for every 200 square feet. A carry-out restaurant with 210 square feet will be required to provide two off-street parking spaces. The parcel at 2730 Eisenhower Avenue has 114 parking spaces currently. The placement of the trailer will result in the loss of two parking spaces. With the loss of two spaces and the requirement for the applicant to provide two spaces for the carry-out restaurant the on site parking will be reduced to 110 spaces. Special Use Permit #2002-0036, which governs the Strayer private school, limits the daytime attendance to 228 students due to the requirement of one parking space for every two students. The applicant is required to provide a letter from Strayer stating that the daytime enrollment will not exceed 220 to compensate for the four lost parking spaces.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the OCM(100), Office Commercial Medium (100) 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 King Street Metro/Eisenhower Avenue Small Area Plan chapter of the Master Plan which designates the property for office and accessory use.

II. STAFF ANALYSIS

Staff is supportive of the carry-out restaurant in the Alexandria Tech Center complex. The restaurant will provide a much needed service in the area. There are no restaurants within walking distance for the many employees of the nearby offices.

Staff feels that the limited visibility and restricted access of the proposed location make this a suitable use. The location proposed for the trailer is encumbered with two different easements: there is an emergency vehicle easement running north-south along the west side of the property and a storm sewer easement running east-west along the south side of the property. The applicant can position the trailer so as to keep the EVE clear and the Department of Transportation & Environmental Services has indicated that it is permissible to have a removable structure on top of the storm sewer easement. Due to the mobile and temporary nature of this restaurant, staff has included a condition requiring the applicant to renew the permit after five years if they wish to continue operating on the site. Staff has also included the standard one year review condition in order to determine if there have been any negative impacts from the use.

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 of the restaurant shall be limited to 9:00 am to 6:00 pm, Monday through Friday. (P&Z)
3. The applicant shall post the hours of operation at the carry-out window. (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. This permit shall expire five years from the date of approval by City Council and shall require a new hearing prior to renewal. (P&Z)
6. 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)
7. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
8. 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)
9. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
10. 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)

11. 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)
12. 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)
13. 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 and a robbery readiness training for all employees. (Police)
14. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
15. 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: Faroll Hamer, Director, Department of Planning and Zoning;
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)
- R-6 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 Applicant shall clarify as to the length of time the trailer will in the described location (applicant advised trailer will be removed daily), type of hood suppression system, use of deep-fat fryers, source of electricity to the trailer, means to abate smoke from pit / smoker from entering structure from ventilation system, windows, etc.

- C-1 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-2 A fire prevention code permit is required for the proposed operation for open flame cooking device and storage and handling of LP Gas.

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

SUP #2007-0127
2730 Eisenhower Ave

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