

Docket Item # 4
SPECIAL USE PERMIT # 2008-0002

Planning Commission Meeting
March 4, 2008

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

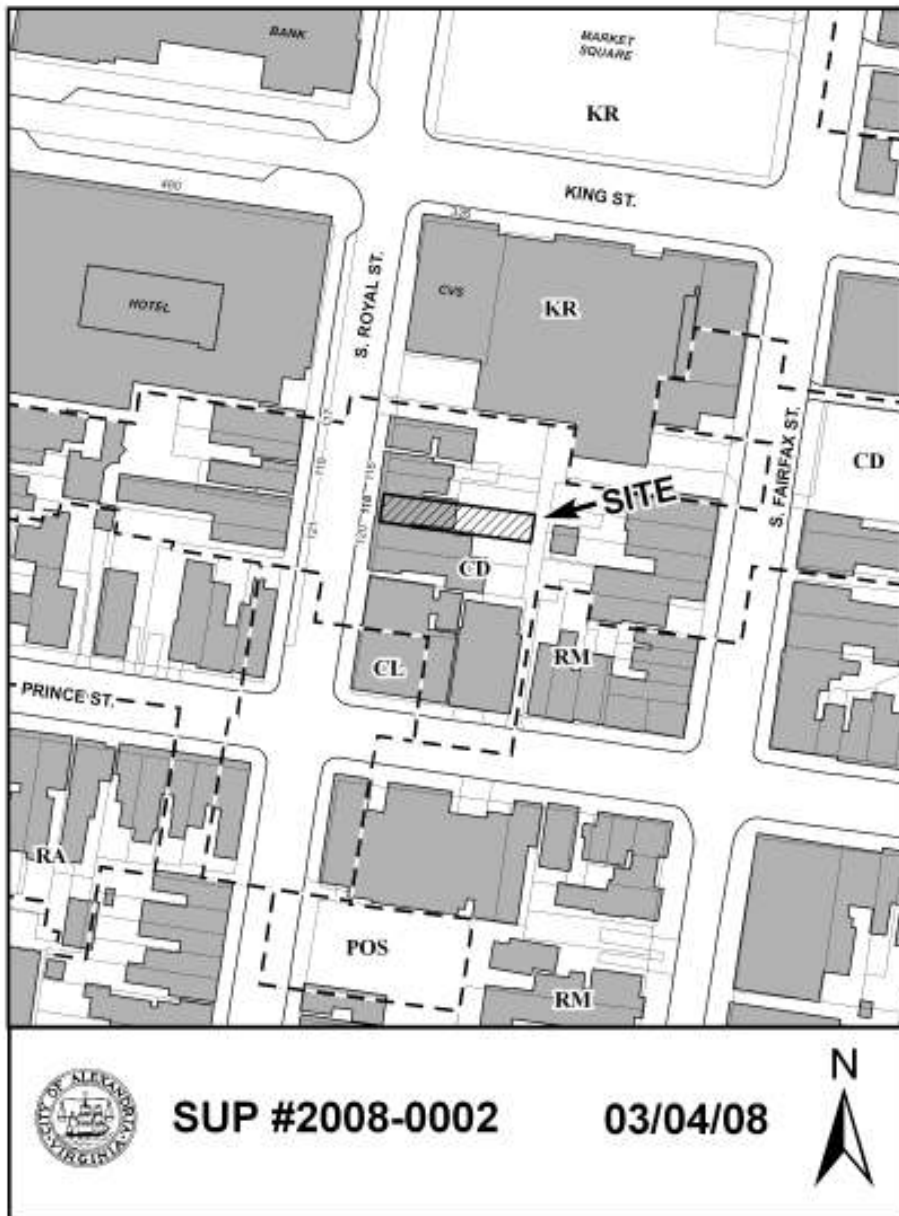
APPLICANT: David Gwathmey

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

LOCATION: 118 S. Royal Street

ZONE: CD

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, David Gwathmey, requests special use permit approval for the operation of a restaurant located at 118 South Royal Street.

SITE DESCRIPTION

The subject property is one lot of record with 21 feet of frontage on South Royal Street, 113 feet of depth and a total lot area of 2,382 square feet. The site is developed with a townhouse office building. Access to the property is from South Royal Street.

The surrounding area is occupied by a mix of residential, retail and office uses. Immediately to the north is a vacant retail shop. To the south, east and west are townhouse office buildings.

BACKGROUND

The subject property is occupied with a retail store offering gourmet items such as wines, coffee, chocolate, truffles and glassware.



PROPOSAL

The applicant proposes to add a restaurant to the currently operating gourmet retail store. The proposed restaurant will offer cheese and antipasto plates, quiche, wraps, soups, salads and desserts. The applicant proposes to offer on premises sale of beer and wine in addition to the beer and wine currently offered for off premises consumption.

Hours: 7:00 am – 10:00 pm, daily

Number of seats: 24 indoor, 8 outdoor, 32 total

Alcohol: Off premises beer and wine currently offered, on premises beer and wine sales requested

Noise: No noise impacts anticipated

Trash/Litter: Trash will be collected 3 times a week or more if necessary, staff will control litter

PARKING

According to Section 8-300(B) of the Zoning Ordinance, a restaurant in the Central Business District is not required to provide off-street parking.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CD/Commercial Downtown zone. Section 4-503(W) of the Zoning Ordinance allows a restaurant in the CD zone only with a special use permit.

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for retail use.

II. STAFF ANALYSIS

Staff supports the proposed restaurant. The restaurant is a good fit with the existing gourmet shop and will help to promote the active pedestrian retail nature of the Central Business District. The lighter fare is a good compliment to the many full service destination restaurants in Old Town.

Staff has included the standard parking condition for Old Town requiring the applicant to direct patrons to the availability of parking. Although the applicant has only requested hours of 7:00 am to 10:00 pm daily, staff has conditioned the hours of 7:00 am to 1:00 am daily to provide greater flexibility and match the hours of other restaurants in Old Town.

With the following conditions, staff recommends approval.

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 7:00 am to 1:00 am, daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. 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)

5. The applicant shall direct patrons to the availability of parking at nearby garages and shall participate in a parking subsidy program by which the regular parking price is discounted. (P&Z)
6. The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (P&Z)
7. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcohol may be served. All patrons must leave by one hour after the closing hour. (P&Z)
8. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
9. 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)
10. Use of loudspeakers or musicians outside of the restaurant shall be prohibited. (T&ES)
11. There shall be no loading or unloading activities between the hours of 11:00pm and 7:00am.
12. 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)
13. 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)
14. 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)

15. 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)
16. 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 robbery readiness training for all employees. (Police)
17. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
18. 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:

- F-1 No trash cans present on 118 S. Royal St. side of the block. (T&ES)
- 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 Use of loudspeakers or musicians outside of the restaurant shall be prohibited. (T&ES)
- R-4 There shall be no loading or unloading activities between the hours of 11:00pm and 7:00am.
- R-5 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-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. (T&ES)
- R-7 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)

- R-8 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:

- C-1 Any alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Any proposed 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-3 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-4 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-5 Any configuration of proposed 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-6 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C-7 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.
- C-2 Permits are not transferable.
- C-3 This facility must meet current Alexandria City Code requirements for food establishments. A final construction inspection has been completed by Environmental Health.
- C-4 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-5 Permits must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.

- C-7 Certified Food Managers must be on duty during all hours of operation.
- F-1 This facility is currently operating as Grape and Bean under an Alexandria Health Permit issued to Grape and Bean Inc.
- 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:

- F-1 No Comment