

Docket Item #8
SPECIAL USE PERMIT #2003-0032

Planning Commission Meeting
June 3, 2003

ISSUE: Consideration of a request for a special use permit to operate a restaurant with outdoor seating and live entertainment.

APPLICANT: Savco, Inc., d/b/a San Antonio Grill
Represented by M. Catharine Puskar

LOCATION: 2400 Mill Road (200 Swamp Fox Road)

ZONE: CDD-2/Coordinated Development District

CITY COUNCIL ACTION, JUNE 14, 2003: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION, JUNE 3, 2003: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

STAFF RECOMMENDATION:

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)
2. Seating shall be provided for no more than 304 patrons. (P&Z)
3. Live entertainment is permitted. (P&Z)
4. The hours of operation shall be limited to 11:00 a.m. to 1:30 a.m. Monday through Friday, and 10:00 a.m. to 1:30 a.m. Saturday and Sunday. (P&Z)
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
6. Alcoholic beverages shall be sold for on-premises consumption only. (P&Z)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. 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)
9. *The applicant must obtain at their expense one city standard street litter can for installation on the adjacent public right-of-way. (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. (P&Z)
11. *No equipment including kitchen equipment shall not 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)

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)
13. All loudspeakers or musicians shall be prohibited outside the restaurant. No amplified noise shall be audible at the property line. (T&ES) (P&Z)
14. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees prior to operation. (Police)
15. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
16. The applicant shall provide and maintain planters with evergreen and flowering plants in the area devoted to outdoor seating landscaping to the satisfaction of the City Landscape Architect. (P&Z) (Rec and Parks)
17. The applicant shall require their employees who drive to work to use off-street parking. (P&Z)
18. *The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all SUP provisions and requirements, as part of that training. (P&Z)*
19. The Director of Planning and Zoning shall review the special use permit one year after approval 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, (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, 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 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.

Prior to the commencement of operation the applicant must obtain a business license from the Business Tax Branch.

DISCUSSION:

1. The applicant, Savco, Inc., d/b/a San Antonio Grill, represented by M. Catharine Puskar, attorney, requests special use permit approval for the operation of a full service restaurant located at 2400 Mill Road (also known as 200 Swamp Fox Road).
2. The subject property is known as the Hoffman Town Center, and is one lot of record with 333 feet of frontage on Swamp Fox Road, 342 feet of depth and a total lot area of 113,886 square feet. The site is developed with a multi-story masonry building containing a movie theater flanked by two restaurant spaces at the main theater entrance. The proposed San Antonio Grill restaurant space stands to the left or north of the main theater entrance and is approximately 5,581 square feet.

The surrounding land uses include the Hoffman office buildings to the west, a Metro station to the southwest, and the Carlyle development to the east. The site is bordered to the south by Eisenhower Avenue and to the north by Mill Road. The theater and restaurant building is part of a larger development project, which includes a pedestrian plaza area and retail uses at the base of the existing Hoffman office buildings, and one additional freestanding retail/restaurant space. Parking structures, a hotel, and an office building are also proposed for construction in later phases of this same development project.

3. On June 13, 1998, City Council granted Special Use Permit #98-0042, with site plan, to construct a theater with retail and restaurant uses. Condition #2 of that special use permit states that each restaurant is required to obtain a separate special use permit for operation.
4. Pursuant to Section 8-200 of the zoning ordinance, the proposed restaurant is required to provide 76 spaces; one space for four seats. Parking requirements for the subject restaurant space were analyzed and met under the special use permit approved in 1998 for the theater building (SUP#98-0042).

The parking requirement for the theater, retail and restaurant uses is 1,741 parking spaces. The office buildings (Hoffman I and II) require 1,523 parking spaces. The total parking requirement is 3,761 parking spaces. There are currently 2,724 spaces, 540 fewer than required. This reduced number of parking spaces should, however, suffice since the theater and office uses have different peak usage times and can share parking. When the second phase of the project is completed, a 3,000 space parking garage will replace most of the surface spaces.

5. The proposed restaurant will be open daily, between 11:00 a.m. and 1:30 a.m. Monday through Friday, and between 10:00 a.m. and 1:30 a.m. Saturday and Sunday. It will have approximately 25 employees for each shift, and expects approximately 300 patrons for lunch and 500 patrons for dinner daily. These hours of operation, number of employees and number of patrons are comparable to those reviewed for the Ruby Tuesday restaurant located on the other side of the site's movie theater.
6. There will be a total of 304 seats with 256 indoors and 48 outdoors. The indoor seating includes 218 seats in the dining area and 14 bar stools and 24 tables in the bar area. The outdoor seating includes 48 seats and is located at the front of the restaurant along Swamp Fox Road.
7. The restaurant will be a full service restaurant that serves hot and cold foods with on-premise only service of alcoholic beverages (beer, wine and mixed drinks). It will provide table, bar and carry-out service.
8. The trash will be collected six days a week and stored in screened dumpsters at the rear of the lot. The restaurant will generate approximately nine cubic yards of trash each day.

9. Loading and unloading activities will occur on the north side of the building between 8:00 a.m. and 11:00 a.m. six days a week.
10. The restaurant will provide televisions and recorded background music over a built-in sound system, and also live entertainment including Karaoke and a Mariachi band. The Karaoke is anticipated to occur Wednesday and Thursday evenings between 8:00 p.m. and 11:00 p.m. The Mariachi band will play during Sunday brunch.
11. The Health Department has identified several problems with the dumpster located to the rear of the theater and restaurant complex. The dumpster is the one that the applicant will use along with the Ruby Tuesday restaurant and the theater. It has drainage and access problems and the masonry structure is cracking. Staff has contacted the property manager to address these problems.
12. Zoning: The subject property is located in the CDD-2/Coordinated Development District, Eisenhower Avenue zone. Section 5-600 of the zoning ordinance states that the OC (Office Commercial) zoning regulations apply with exceptions in the CDD-2 zone. Section 4-800 of the zoning ordinance states that a restaurant is allowed only in the OC zone with a special use permit.
13. Master Plan: The proposed use is consistent with the East Eisenhower Avenue Small Area Plan chapter of the Master Plan which designates the property for CDD-2/Coordinated Development District, Eisenhower Avenue zone.

STAFF ANALYSIS:

Staff has no objection to the proposed restaurant located at 2400 Mill Road (200 Swamp Fox Road). Restaurant uses were part of the original development concept approved in 1998 and are supported today by staff. The proposed restaurant is compatible with the adjacent theater and office uses. It will also attract more people

to the area during the evening, creating a more lively, active environment than the day time office use that has historically occupied this location. Use of the site in the evenings also maximizes the use of existing resources such as the Metro and parking lots. The proposed restaurant is consistent with the Eisenhower East Small Area Plan as it is part of a mixed use development that is convenient to Metro service.

Staff does recommend the addition of planters at the outdoor seating area, the addition of a City trash can on the sidewalk adjoining the restaurant, the standard restaurant conditions, and a condition requiring a review of the restaurant after one year so if there are any problems with its operation, additional conditions may be imposed. Staff thus recommends approval of the special use permit subject to the recommended conditions.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Mary Hashemi, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation
S - suggestion F - finding

Transportation & Environmental Services:

- R-1 *No equipment including kitchen equipment shall not be cleaned outside, nor shall any cooking residue or any other waste be washed onto the streets, sidewalks, alleys, or into 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 noise will be audible at the property line.*
- R-4 *Applicant must obtain at their expense one city standard street litter can for installation on the adjacent public right-of-way.*
- 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.*

Code Enforcement:

- C-1 *A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 118.0.*

- C-2 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-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-6 Toilet rooms for persons with disabilities:
 - (a) Water closet heights must comply with USBC [512.0: ADAAG: 4.16.3).
 - (b) Door hardware must comply with USBC [512.0: ADA-AG: e4.13.9).
- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-8 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC [313.0.
- C-9 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-10 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.*
- C-2 *Five sets of plans are to 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 review of plans for food facilities.*
- C-3 *Permits must be obtained prior to operation.*
- C-4 *This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.*
- C-5 *Certified Food Managers must be on duty during all hours of operation.*
- C-6 *Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.*

Police Department:

- R-1 The applicant is to contact the Crime Prevention 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 Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 Recommend “ABC On” license only. If “ABC Off” is approved we recommend the following conditions:

1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
2. That the SUP is reviewed after one year.