

DATE: August 1, 2014

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Taryn Toyama and Ann Horowitz, Planners
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0057
Administrative Review for Change of Ownership and Minor Amendment
Site Use: Restaurant
Business Name: District Taco
Applicant: District Taco by Chris Medhurst
Location: 701 South Washington Street
Zone: CL/Commercial Low

Request

Special Use Permit #2014-0057 is a request to change the ownership of an existing restaurant and for a minor amendment to revise the hours of operation at the business. The change of ownership is proposed from Chicken Out the Door Inc. to District Taco represented by Chris Medhurst. The new owner plans to change the name of the restaurant from Chicken Out to District Taco and to offer a Mexican quick-service food menu.

In the minor amendment request, the applicant proposes to expand the opening hours of the restaurant. An earlier opening hour of 8 am Monday through Wednesday, as well as an earlier opening hour of 7 am Thursday through Sunday would result in three additional hours of operation Monday through Wednesday, and four additional hours of operation Thursday through Sunday. Aside from discontinuing the restaurant delivery service, there are no other changes are proposed to the restaurant.

Background

City Council approved construction of the restaurant building and use in 1997 (SUP#97-0057) on a parcel occupied by a gas station. It later approved an SUP amendment to allow on-premise sales of beer and wine in 1999. In June 2000, the applicant was permitted to add 16 outdoor seats and was granted a four-space parking reduction through SUP#2000-0067 and ENC#2000-0004. In November 2002, SUP#2002-0089 was approved for an additional one-space parking reduction to allow the temporary siting of environmental remediation equipment to remedy soil and water contamination at the site. All remediation work was complete as of 2008, and the permitted one-space parking reduction expired in November 2008. Special Use Permit #2012-0040 permitted a change of ownership from the URS Corporation to Chicken Out the Door Inc. An inspection on July 2, 2013 revealed that the business had closed.

Parking

According to Section 8-200(A)(8), one off-street parking space is required for every four restaurant seats. Although the applicant would be required to provide twenty parking spaces for its 80 seats, only sixteen spaces are necessary due to approval of the four-space parking reduction. The applicant exceeds its parking requirement by providing a total of 18 parking spaces at the site, which is an increase of one space compared to the prior SUP, due to the approved demolition of a storage/environmental remediation shed that is no longer needed.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, Tannery Yard and Tannery House, the Old Town Hunting Creek Civic Association, and the Arch Hall Condominium Association received notification of the SUP request. Staff has received one comment from resident concerning early morning trash collection and installation of a trash bin in the outdoor dining area.

Staff Action

Staff views the change of ownership as a reasonable request. The continued operation of a restaurant at this site is not expected to generate negative impacts on the neighborhood and would fill a year-long building vacancy. Staff also does not object to the minor amendment for additional morning hours of operation since the hours are consistent with the neighborhood standard.

Several conditions have been carried forward, although Conditions 16 and 37 to 41 have been deleted since they no longer apply. Staff added Condition 17 to limit early morning trash collection and Condition 44 to require the installation of a trash bin in the outdoor dining area.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: August 1, 2014
Action: Approved

Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2014-0057

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

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) (SUP #97-0057)
2. Seating inside the restaurant shall be provided for no more than 64 patrons. (P&Z) (SUP 2012-0040)
3. Outside dining facilities shall be provided for no more than 16 patrons as depicted by ENC2000-0004 and SUP2000-0067. The applicant shall provide a landscaping plan for the planters for review and approval by the Director of Planning and Zoning. The applicant shall maintain the landscaping in good condition. (P&Z) (SUP 2000-0067)
4. No live entertainment shall be provided at the restaurant. (P&Z) (T&ES) (SUP #97-0057)
5. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to ~~11:00 AM to 10:00 PM~~ 7 am to 10 pm, daily. The hours of operation for the outdoor dining area shall be limited to ~~11:00 AM~~ 7 am to 9 pm, daily. The outdoor dining area shall be cleared of all diners by 9:00 pm and the area cleaned and washed by 10:00 pm. (P&Z) (~~SUP 2000-0067~~)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP #97-0057)
7. On-premise sales of beer and wine shall be permitted, but off-premises alcohol sales shall be prohibited. (CC) (P&Z) (SUP 2012-0040)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #97-0057)
9. Condition deleted. (SUP #98-0169)
10. 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 or debris shall be allowed to accumulate on-site outside of those containers. The dumpster shall be screened to the satisfaction of the Director of Planning and Zoning. (P&Z) (PC) (SUP #98-0169)
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. (P&Z) (T&ES) (SUP #97-0057)

12. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #97-0057)
13. Condition deleted. (SUP 2012-0040)
14. The applicant shall require that its employees who drive to work use off-street parking. 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) (T&ES) (SUP 2012-0040)
15. Condition deleted. (SUP 2012-0040)
16. **CONDITION DELETED BY STAFF:** ~~Not more than one delivery vehicle shall be used at any one time to deliver food to customers and delivery service shall be allowed only between 11:00 AM and 9:00 PM, daily. The delivery vehicle shall be parked off-street at all times it is in the vicinity of the restaurant. (P&Z) (SUP 2012-0040)~~
17. **CONDITION AMENDED BY STAFF:** Supply deliveries and all loading and unloading activities, including garbage collection, shall occur only during the restaurant's off-peak hours, and may not occur between the hours of 11:00pm and 7:00 AM. (P&Z) ~~(SUP2012-0040)~~
18. 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) (SUP 2002-0089)
19. **CONDITION AMENDED BY STAFF:** 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 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, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. ~~(SUP 2012-0040)~~
20. Condition deleted. (SUP 2002-0089)
21. The applicant shall maintain the existing wall along the property line on South Washington Street, between the driveway entrance and the southwest corner and along the property line on Franklin Street, between the driveway and the northeast corner. (P&Z) (SUP 2012-0040)

22. A “no left turn” sign shall be maintained on the exiting side of the South Washington Street driveway. (P&Z) (SUP 2012-0040) (PC)
23. Condition deleted. (SUP 2002-0089)
24. Condition deleted. (SUP 2002-0089)
25. Condition deleted. (SUP 2002-0089)
26. Condition deleted. (SUP 2002-0089)
27. Condition deleted. (SUP 2002-0089)
28. Condition deleted. (SUP 2002-0089)
29. Condition deleted. (SUP 2002-0089)
30. Condition deleted. (SUP 2002-0089)
31. Trees by the trash dumpster shall be limbed up to a minimum of six feet. (Police Department) (SUP #97-0057)
32. Lighting in the parking lot to be to the satisfaction of the Director of Transportation and Environmental Services and Chief of Police. (Police Department) (SUP #97-0057)
33. Condition deleted. (SUP 2002-0089)
34. Condition deleted. (SUP 2002-0089)
35. All landscaping at the site, including required landscaping shown in the approved site plan, shall be maintained in good condition. (P&Z) (SUP2012-0040)
36. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for employees. (Police) (SUP2012-0040)
37. Condition deleted. (SUP 2012-0040)
38. Condition deleted. (SUP 2012-0040)
39. Condition deleted. (SUP 2012-0040)
40. Condition deleted. (SUP 2012-0040)
41. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP2002-0089)

42. The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all Special Use Permit provisions and requirements as part of that training. (P&Z) (SUP2002-0089)
43. Condition deleted. (SUP 2012-0040)
44. **CONDITION AMENDED BY STAFF:** The applicant shall install one trash can made of high quality materials and design for customer use within the outdoor dining area to the satisfaction of the Director of Planning & Zoning. (P&Z) (~~SUP2012-0040~~)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

- R-1 No live entertainment shall be provided at the restaurant. (P&Z) (T&ES) (SUP #97-0057)
- R-2 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) (T&ES) (SUP #97-0057)
- R-3 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #97-0057)
- R-4 The applicant shall require that its employees who drive to work use off-street parking. 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) (T&ES) (SUP2012-00040)
- R-5 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) (SUP2002-0089)
- R-6 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP2002-0089)
- R-7 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 pm and 7 am. (T&ES)
- C-1 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). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 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. (T&ES)

Fire

C-1 A fire prevention permit will be required for this occupancy condition – Assembly.

Code Administration

No comments

Health Department

Food Facilities:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
- C-2 Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C-3 Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
- C-5 A Certified Food Manager shall be on-duty during all operating hours.
- C-6 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Parks & Recreation

No comments received

Police

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0057. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 701 South Washington Street.

Applicant - Signature

Date

Applicant – Printed

Date