

DATE: July 14, 2015

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

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0061
Administrative Special Use Permit for New Use
Site Use: Restaurant
Business Name: Heber Ethiopian Exotic Restaurant
Applicant: Betelham Lando
Location: 410 East Glebe Road
Zone: CSL/Commercial Service Low

Request

Special Use Permit #2015-0061 is a request for a new 55-seat, full-service restaurant in a 2,000 square foot tenant space at 410 East Glebe Road. The restaurant, specializing in Ethiopian cuisine, would be located in a one story, two-unit commercial building that fronts Jefferson Davis Highway. A 22-space parking lot services the building tenants. The operating hours are proposed as 6 a.m. to 12 a.m., daily, when the applicant would provide breakfast, lunch, and dinner. Up to seven employees at any one time would work on the premises. The restaurant would offer on-premises alcohol service. Live entertainment is not proposed.

Background

A truck storage and repair business was a grandfathered use at the site until the late 1990s. The City received several SUP applications for automobile related businesses between 1997 and 2005, however, all were withdrawn, deferred or denied, resulting in a period of long-term building vacancy.

Between 2009 and 2012, several Code violations were discovered for tall grass and the improper storage of trash and debris.

In 2012, the property owner proposed, but did not pursue, the expansion of the warehouse space for retail use through DSUP#2012-0025. Most recently, the parking lot has been improved, a monument sign has been installed, and the building has been upgraded with exterior improvements that include new storefront windows and doors. A dry cleaning business opened in one of the two commercial spaces at 408 East Glebe Road in May 2014.

Since April 2014, a nine member community group has been meeting to discuss the potential planning and redevelopment of the Oakville Triangle/Route 1 Plan area, which includes this site. Meeting participants have acknowledged traffic challenges at the Glebe Road/Route 1 intersection, adjacent to the proposed restaurant.

City Council approved SUP#2014-0075 for a convenience store at the subject site in December 2014, however, the business did not open. Conditions regarding traffic flow, deliveries, directional signage, and dumpster location were included in the SUP report.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Lynhaven Citizen's Association, the Mount Jefferson Civic Association, and the Auburn Village Condominium Association were notified. Staff has not received any comments from residents or adjacent businesses.

Parking

According to Section 8-200(A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. The restaurant, therefore, must provide 14 parking spaces. The parking requirement for the dry cleaner is five spaces, leaving 17 spaces available in the 22-space parking lot. The proposed restaurant, therefore, exceeds the zoning requirement with the availability of three additional parking spaces.

Staff Action

Staff supports the applicant's request to operate a restaurant at 410 East Glebe Road, in a long vacant commercial space. The restaurant would provide an additional full-service restaurant option for nearby residents and commuters.

Potential impacts for traffic and parking were reviewed in the analysis of SUP#2014-0075 for the previously approved convenience store. A condition resulted and is carried forward in this staff report as Condition 11 to designate an entrance and exit at the curb cuts along Jefferson Davis Highway and to prohibit vehicles from exiting onto East Glebe Road. Additionally, to ensure pedestrian safety and to alleviate traffic congestion, the door facing East Glebe Road is to be used for emergency exit purposes only and vehicles are restricted from parking along the East Glebe Road side of the building as stated in Conditions 12 and 13, respectively.

Because the proposed restaurant is located within the Oakville Triangle/Route 1 Corridor project area where future redevelopment is expected, a five and ten year review of the SUP and its compatibility with redevelopment plans necessitates the addition of Condition 25. Standard conditions controlling litter, noise are also incorporated in this report.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: July 14, 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 #2015-0061

The 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 by the Director 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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation shall be limited to between 6 a.m. to 12 a.m., daily. Orders placed before 12 a.m. may be served, but no new patrons may be admitted and all patrons must leave by 1 a.m. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The maximum number of indoor seats shall be 55. Outdoor seats are not permitted. (P&Z)
5. No delivery of food to customers may operate from the restaurant. (P&Z)
6. Live entertainment shall not be permitted at the restaurant. (P&Z)
7. No delivery vehicles or delivery service shall operate from the restaurant. (P&Z)
8. On-premises alcohol service shall be permitted, consistent with a valid Virginia ABC license.. Off-premises alcohol sales are not permitted. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
11. The applicant shall implement the following improvements as illustrated on the proposed site plan before the opening of the business to the satisfaction of the Director of Planning and Zoning: (P&Z) (T&ES)
 - a. Pavement markings and signage shall be installed to ensure that customers enter at the north curb cut and exit at the south curb cut from Jefferson Davis Highway.
 - b. “Do Not Enter: Authorized Vehicles Only” sign, and “Do Not Enter” pavement markings for the vehicles attempting to enter the alley located at the west of the proposed site shall be installed. A speed bump shall be also installed at this location to deter traffic from exiting onto East Glebe Road.
 - c. The dumpster shall be placed along the fence to the northwest of the applicant’s tenant space and shall be screened.

- d. Supply delivery vehicles shall park in the designated parking space along the fence to the northwest of the applicant's tenant space.
 - e. All signage must receive sign permit approval prior to installation.
12. The East Glebe Road building entrance shall be closed to public and used only as an emergency exit. (P&Z)
 13. Vehicles shall not park nor shall any supply deliveries occur on the south side of the property between the building and East Glebe Road. A "No Parking" sign shall be installed on the East Glebe Road side of the building. (P&Z)
 14. 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 to prevent the underage sale of alcohol. (P&Z)
 15. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES)
 16. The applicant shall encourage its employees and customers 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. (T&ES)
 17. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
 18. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director. (T&ES)
 19. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
 20. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)
 21. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (T&ES)
 22. Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m. (T&ES)

23. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
24. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
25. The Special Use Permit shall be reviewed by the Director of Planning & Zoning, with notice to the community, five years from the date of approval (July 14, 2020), in order to assess the redevelopment potential of the site and the compatibility of the use with other uses in the area. If the Director determines the use to be incompatible with surrounding uses or anticipated redevelopment, the Director shall docket the Special Use Permit for Planning Commission and City Council to take such action as they deem appropriate at the time. Notwithstanding the staff review, City Council shall review the Special Use Permit, ten years from the date of approval (July 14, 2025), in order to assess the redevelopment potential of the site and the compatibility of the use with other uses in the area to take such action as they deem appropriate at the time. (P&Z)
26. 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, 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)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

- R-1 The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods.
- R-2 The applicant shall encourage its employees and customers 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.
- R-3 The applicant shall require its employees who drive to work to use off-street parking.
- R-4 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.
- 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 monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.
- R-6 The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.
- R-7 The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.
- R-8 Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.
- R-9 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-10 All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-11 The applicant shall implement the following improvements before the opening of the business to the satisfaction of the Director of Planning and Zoning:

- a. Pavement markings and signage shall be installed to ensure that customers enter at the north curb cut and exit at the south curb cut from Jefferson Davis Highway.
- b. “Do Not Enter: Authorized Vehicles Only” sign, and “Do Not Enter” pavement markings for the vehicles attempting to enter the alley located at the west of the proposed site shall be installed. A speed bump shall be also installed at this location to deter traffic from exiting onto East Glebe Road.
- c. The dumpster shall be placed along the fence to the northwest of the applicant’s tenant space and shall be screened.
- d. Supply delivery vehicles shall park in the designated parking space along the fence to the northwest of the applicant’s tenant space. (P&Z) (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)

Code Administration

No comments received

Fire

C-1 Due to the number of occupants including staff, a fire prevention permit shall be applied for and obtained by owner/applicant.

Health

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, corporation or location to another. Permit application and fee are required.

C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and 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 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety 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 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Recreation, Parks, and Cultural Activities:

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 #2015-0061. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the day care center/preschool at 410 East Glebe Road.

Applicant – Signature

Date

Applicant – Printed

Date