

CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Docket Item #5
SPECIAL USE PERMIT #2008-0048

Planning Commission Meeting
September 4, 2008

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

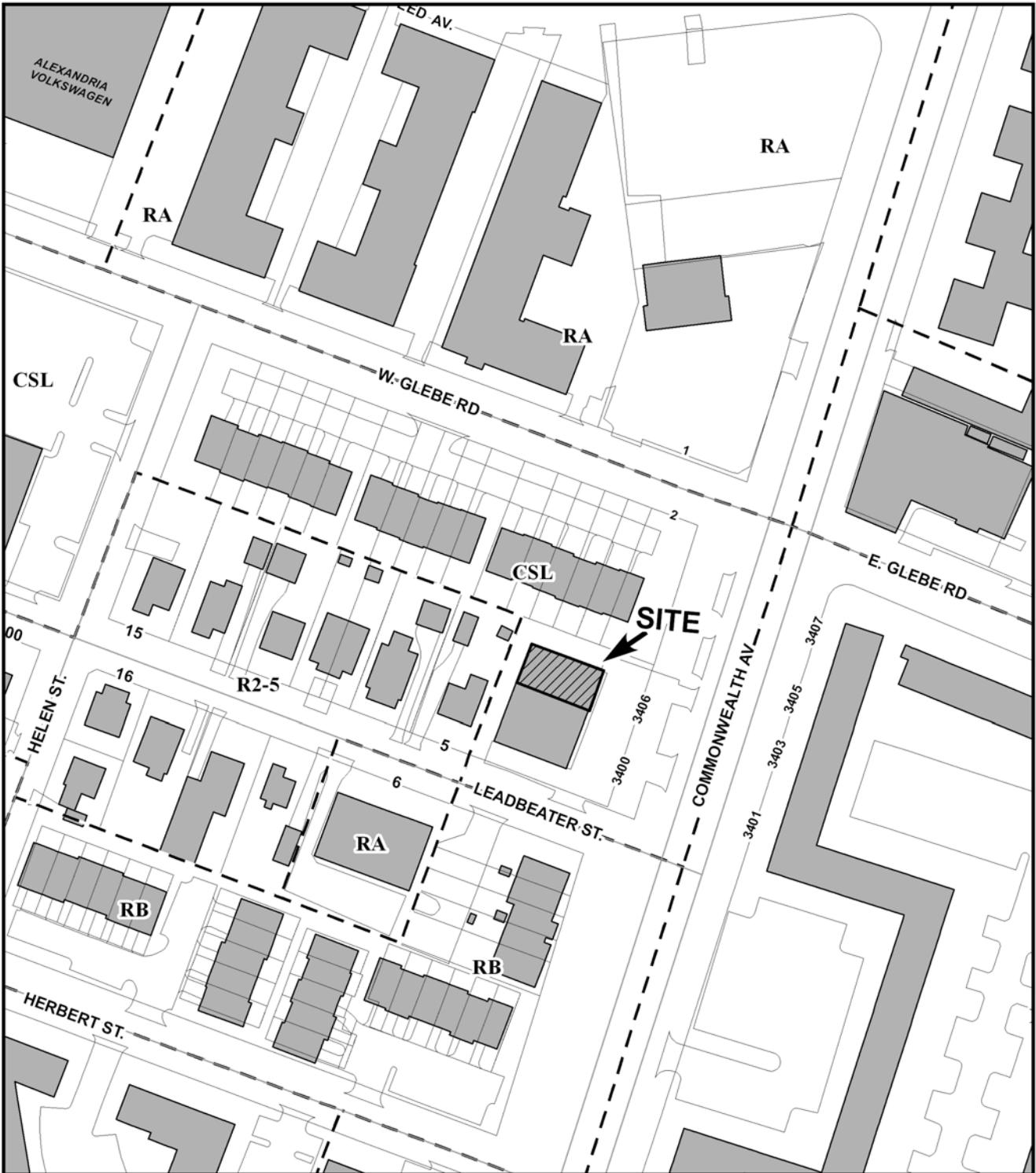
APPLICANT: Shahzan Kiani

STAFF: Nathan Randall
nathan.randall@alexandriava.gov

LOCATION: 3406 Commonwealth Avenue
(Parcel Address: 3400 Commonwealth Avenue)

ZONE: CSL/Commercial Service Low

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.



SUP #2008-0048

09/04/08



I. DISCUSSION

REQUEST

The applicant, Shahzan Kiani, requests special use permit approval for the operation of a restaurant with delivery located at 3406 Commonwealth Avenue.

SITE DESCRIPTION

The subject property is one lot of record with approximately 115 feet of frontage on Commonwealth Avenue, 113 feet of frontage on Leadbeater Street, and a total lot area of 12,396 square feet. The site is located on the corner of Leadbeater Street and Commonwealth Avenue and is developed with a one story 4,640 square foot commercial building and a parking lot. The subject building is divided into four tenant spaces. One of the spaces is currently occupied by a dry cleaner and two of the spaces are currently combined and occupied by a martial arts studio. The applicant will occupy the most northern tenant space, which measures 1,176 square feet.



Residential properties surround the use on four sides. Institutional and commercial buildings are located about 150 to 200 feet away at the corner of Commonwealth Avenue and Glebe Road.

BACKGROUND

On October 19, 2002, City Council granted Special Use Permit #2002-0081 for the operation of a private club in the same tenant space proposed for the restaurant. On November 22, 2002, the applicant informed the Department of Planning & Zoning that despite approval the private club did not intend to open at this location. Most recently, the tenant space was occupied by a check-cashing business.

On June 12, 2004, City Council granted Special Use Permit #2004-0015 for the operation of a martial arts studio in the two southern-most tenant spaces on the property.

The applicant filed for a Special Use Permit on March 25, 2008 for a pizza restaurant with delivery at a different location, 1310 Mt. Vernon Avenue, but withdrew that request on May 14, 2008.

PROPOSAL

The present request is to operate a pizza restaurant with up to six indoor seats and up to four delivery vehicles.

Hours:	Monday-Thursday and Sunday, 10:30am-11:00pm Friday & Saturday, 10:30am- midnight
Number of seats:	6
Number of delivery vehicles:	Daytime – 2 vehicles Evenings – 4 vehicles
Type of Service:	Delivery, carry-out, and self-service seating
Noise:	Primarily delivery vehicles
Odors:	Baking odors from pizza ovens may be present
Trash/Litter:	Primarily food products, paper goods, cans. Trash will be collected twice per week

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant with delivery requires one (1) parking space for every four (4) seats. One additional parking space is required for each delivery vehicle. A restaurant with six (6) seats and up to four (4) delivery vehicles is required to provide six (6) off-street parking spaces. A restaurant with 12 seats and up to four (4) delivery vehicles is required to provide seven (7) off-street parking spaces.

There are a total of 21 parking spaces on the site, 20 of which are independently accessible. The existing martial arts studio, which hosts a maximum of 20 students at any one time, is required to provide 10 parking spaces. The existing dry cleaning business is required to provide three (3) parking spaces. The eight (8) remaining spaces available to the restaurant meet the Zoning Ordinance parking requirement.

It should be noted that approximately two additional parking spaces could be created with the removal of fencing on the southern end of the building.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CSL/Commercial Low Zone. Section 4-303(Y) of the zoning ordinance allows a restaurant in the CSL zone only with a special use permit.

The subject property is governed by the Potomac West Small Area Plan chapter of the Master Plan, which designates the property for low-scale commercial uses.

II. STAFF ANALYSIS

Staff supports this delivery/carry-out/dine-in pizza restaurant on Commonwealth Avenue with conditions to address any potential negative impacts on the neighborhood. The addition of this business at this location is appropriate for an automobile-oriented small commercial building.

In order to address any negative impacts, such as odors, trash, and noise, staff has included several conditions which will mitigate these impacts. Dumpsters located behind the building must be sealed at all times and trash must be collected at least three times per week. Delivery vehicles at this location should not present significant traffic issues, and the property has sufficient vehicular access and egress. Because delivery vehicles will be required to park away from the northern edge of the building and the abutting residences, noise created by the delivery vehicles will be reduced.

The physical condition of the subject property does need some improvement. Staff has conditioned that the applicant, along with the property owner and the owner of the martial arts studio, must complete improvements with regard to fencing and landscaping within six months of the approval of this SUP request.

It should be noted that while the applicant has proposed a total of six (6) seats for the restaurant, staff has conditioned a maximum of 12 seats, with the option of two (2) of these seats to be outdoors, to accommodate the request of the neighborhood.

The applicant initially sought to locate his business at 1310 Mt. Vernon Avenue, but withdrew his application upon finding availability at the subject property. In addition to having more parking, staff believes that this more automobile-oriented location is more appropriate for the type of restaurant proposed. In addition, this business would be occupying vacant space that will be a neighborhood improvement compared to the previous tenant, which was a check-cashing business.

Subject to the conditions listed below in Section III of this report, staff recommends approval of this special use permit request.

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 applicant shall post the hours of operation at the entrance of the business. (P&Z)
3. The hours of operation of the restaurant shall be limited to: Monday-Thursday and Sunday, 10:30 am-11:00 pm; Friday and Saturday, 10:30 am- midnight. (P&Z)
4. The maximum number of total seats at the restaurant shall be 12. Up to two (2) of these seats may be located outside subject to a plan that is reviewed and approved by the Director of Planning & Zoning. The applicant shall ensure the outdoor seating does not restrict pedestrian access to other merchants in the shopping center. The outdoor seating area shall close no later than 10:00 pm daily. The outdoor seating area shall be cleaned and washed at the close of each day of operation. (P&Z)
5. The maximum number of delivery vehicles shall be four (4). (P&Z)
6. Delivery vehicles shall be parked in off-street parking spaces. They shall not be parked in either of the two tandem parking spaces along the northern side of the building or directly in front of tenant spaces. Delivery vehicles shall be no larger than passenger vehicles. (P&Z)
7. No live entertainment shall be provided at the restaurant. (P&Z)
8. No alcohol service shall be provided. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. Loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
11. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 pm and 7:00 am. Loading and unloading of supply delivery vehicles shall take place from behind the building at the rear access door of the business. (P&Z)(T&ES)
12. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)

13. Only employees may park in the two tandem parking spaces along the northern side of the building. (P&Z)
14. 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)
15. Meals ordered before the closing hour may be served or delivered, but no new patrons may be admitted after the closing hour, no new delivery orders may be fulfilled after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
16. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be store 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)
17. Trash and garbage generated by the restaurant shall be removed from the premises at least three times per week. (P&Z)
18. 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)
19. 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)
20. The applicant, in cooperation with the property owner and the owner of the martial arts studio, shall develop a comprehensive site improvement plan that addresses the following: (1) the removal of the chain link fence and barbed wire along the southern end of the building, (2) the aesthetic improvement or removal of the chain link fence on the northern end of the building, (3) new screening and fencing as needed and (4) new landscaping to be planted on the site. The plan shall be to the satisfaction of the Directors of Planning & Zoning and of Recreation, Parks, and Cultural Activities and shall be implemented within six months from approval of the special use permit. (P&Z)(Parks)

21. Landscape maintenance shall be the responsibility of the property owner. Landscaping shall be well maintained and free of weeds, debris, and litter at all times. Dead or missing plants shall be replaced as needed. (Parks)
22. Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owner's front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1) (Parks)
23. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
24. 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)
25. 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)
26. 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)
27. 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)
28. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)

29. 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 regarding robbery readiness training for all employees. (Police)

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Nathan Randall, 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 cooking 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 & 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 Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- 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 Required exits, parking and accessibility for persons with disabilities must be provided to the building.
- C-2 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-3 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 pick-up schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.
- C-4 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.

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 and Recreation:

- R-1 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owner's front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)
- R-2 Landscape improvements shall be the responsibility of the applicant and the property owner, and landscape maintenance shall be the responsibility of the property owner. Landscaping shall be well maintained and free of weeds, debris, and litter at all times. Dead or missing plants shall be replaced as needed.

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.

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