

Docket Item # 11  
SPECIAL USE PERMIT # 2008-0050

Planning Commission Meeting  
September 4, 2008

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

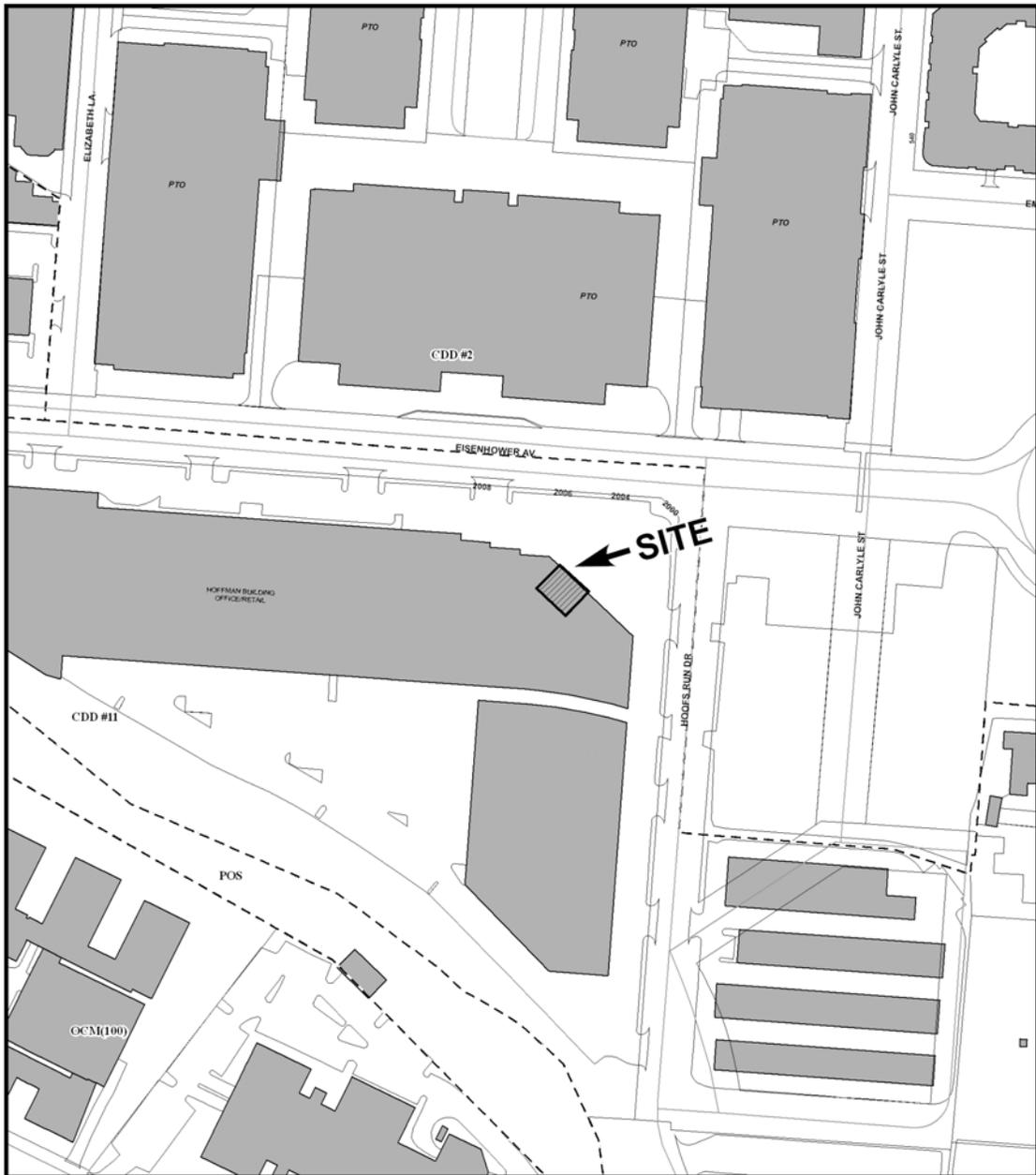
**APPLICANT:** Bruce Catts and Lauren Catts

**LOCATION:** 2004 Eisenhower Ave

**ZONE:** CDD#11

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**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 #2008-0050**

**09/04/08**



**I. DISCUSSION**  
REQUEST

The applicants, Bruce and Lauren Catts, request special use permit approval for the operation of a restaurant located at 2004 Eisenhower Avenue.

SITE DESCRIPTION

The subject property is a 2,382 square foot tenant space in one lot of record. The subject parcel has 1,200 feet of frontage on Eisenhower Avenue, 825 feet of frontage on Hooff's Run Drive and a total lot area of 578,987 square feet. The site is developed with an office and retail mixed use complex. Access to the property is from Eisenhower Avenue and Hooff's Run Drive.

The surrounding area is occupied by a mix of office, retail, residential and civic uses. Immediately to the north are the United States Patent and Trademark offices. To the south is the City of Alexandria Public Safety Center. To the east is Block P of the Carlyle development, currently being built with residential and retail mixed use. To the west is vacant land with approvals for two residential towers with ground level retail.

BACKGROUND

On May 3, 2007, City staff approved Plot Plan #PLT2007-00004 for renovations to a building formerly used as a warehouse. The renovations to the existing building were to provide retail space, including a Rite Aid Pharmacy and several other smaller tenant spaces. The proposed restaurant will occupy one of the smaller tenant spaces in the building. The restaurant space and other retail spaces in the building are currently under construction.

The City has begun the planning process to widen Eisenhower Avenue. The widening will include improved landscaping and pedestrian crossings along Eisenhower Avenue. The construction on Eisenhower Avenue is scheduled to begin in the summer of 2009.

PROPOSAL

The applicants propose to operate a casual, grill style restaurant with three to five arcade games for the enjoyment of their customers. The applicant does not propose table service. The restaurant will sell beer and wine for on premises consumption only.

Hours: 11:00 am – 10:00 pm, daily

Number of seats: 117 total; 101 indoor and 16 outdoor

Noise: No noise impacts anticipated

Trash/Litter: Trash will be collected 6 times per week, trash receptacles will be positioned at the exits to prevent littering

Alcohol: On premises beer and wine  
Entertainment: 3 televisions and 3 – 5 arcade games

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 117 seats will be required to provide thirty off-street parking spaces. There is surface parking and a parking garage on the site with a sufficient number of spaces to satisfy the parking required for the proposed use.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD-11/Coordinated Development District-South Carlyle zone. Section 5-602 of the Zoning Ordinance allows a restaurant in the CDD-11 zone only with a special use permit.

The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for residential, office and retail mixed use.

**II. STAFF ANALYSIS**

Staff supports the proposed restaurant. With the increased office space and housing that is under construction and proposed south of Eisenhower Avenue, there will be a need for a variety of retail and restaurant uses to serve the offices and residential units. The proposed restaurant is designed to appeal both to families and employees in the area. The restaurant will be a community serving restaurant. The applicant hopes to fill a niche between the full service and the quick service restaurants in Carlyle, offering a casual atmosphere more conducive to families. Although the applicant has requested hours of 11:00 am to 10:00 pm, staff has conditioned hours of 7:00 am to midnight to offer greater flexibility for future operations.

In reviewing the proposed restaurant's location, staff noted that it is situated almost directly opposite an entrance to the PTO building across Eisenhower Avenue. It is expected that the restaurant will derive a certain amount of daytime business from employees who work in the PTO and other nearby buildings on the north side of Eisenhower Avenue. It will be important to provide safe pedestrian access from the north side of Eisenhower Avenue to this business and other future on the south side of Eisenhower Avenue. Currently, there are pedestrian crossings at signalized/marked intersections, which are located approximately 500 feet to the west at Elizabeth Lane and 300 feet to the east at Hooff's Run Drive. While a mid block pedestrian crossing may seem desirable in this location, there are no plans to provide such a crossing under current improvement plans for Eisenhower Avenue. The City generally discourages such crossings and directs pedestrians to existing crossings at signalized or marked intersections.

As part of its analysis of the proposal, staff looked at the existing and proposed landscaping for the subject property. There is limited landscaping within the parking area and along the boundary of the site. Some of the trees bordering the parking area on the site have been removed due to disease, according to the property owner's representative. The property owner is installing a new irrigation system as part of the retail development improvements and will be providing staff with a revised landscape plan in the near future to plant new trees and substitute some plantings with more appropriate species.

With the following conditions, staff recommends approval of the special use permit.

### 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 12:00 midnight, daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. 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)
5. 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)
6. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
7. 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)
8. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
9. Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
10. 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
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. (T&ES)
  12. 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)
  13. 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)
  14. Existing landscaping on property shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead or missing plants as needed. (RP&CA)
  15. Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1) (RP&CA)
  16. The property owner shall submit a revised landscape plan for the overall site for review and approval by the Departments of Planning and Zoning and Recreation, Parks and Cultural Activities. (P&Z)
  17. 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. (Police)
  18. 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. (Police)
  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)

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;  
Richard Bray, Urban Planner.

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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](http://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.
- C-5 The USBC limits the occupant loading for this area to 15 square feet per person.
- C-6 Any configuration of 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-7 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-8 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.
- C-9 The current use is classified as B-Business; the proposed use is A-2 (Assembly). Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-10 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulate 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.

Parks and Recreation:

- R-1 Existing landscaping on property shall be well maintained and be free of weeds, debris, and litter at all times. Replace dead or missing plants as needed.
- R-2 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)

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 seeking an “ABC On” license only. The Police Department has no objections.

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