

Detailed Statement of Zoning Regulations for Zoning Exemption

733. FAST FOOD ESTABLISHMENTS (C-2-A)

Section 733 sets forth the special exception criteria that the Application must satisfy for the Board to approve a Fast Food Establishment. As described below, the applicant, &pizza, will adhere to all of the provisions provided in Section 733.

733.2 No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District unless separated therefrom by a street or alley.

- A. The lot on which the use is located is not located next to a residence district. The nearest residence district is approximately 275 ft. away.

733.3 If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot.

- B. This is not applicable. As noted above the lot is not located next to a residence district.

733.4 Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District.

- C. The attached property fronts on 8th street SE and is bounded by one property to its north and several properties to its south, forming one continuous row. The property is enclosed from behind by a parallel row of store fronts on 7th street. Two rows of store fronts on D Street and E Street connect to the rows on 7th and 8th street forming a square. Encompassed in the square are alleys and a court yard with an opaque gate where six enclosed dumpsters are held. The dumpsters are used collaboratively by the majority of the store front tenants. Pursuant to section 7-33.12, the Applicant requests a modification of this section to allow the use of the existing trash housing and collection system utilized by tenants in the square since it will meet the intent and purpose of this section to minimize the objectionable impacts from trash. See attached picture, Exhibit A, for clarification.

733.5 The use shall not include a drive-through.

D. The use shall not include a drive through.

733.6 There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a Residence District.

E. The attached property fronts on 8th street SE and is bounded by one retail property to its north and several properties to its south forming one continuous row. The property is enclosed from behind by a parallel row of store fronts on 7th street. Two rows of store fronts on D Street and E Street connect to rows on 7th and 8th Streets forming a square. For this reason the only customer entrance is at the front of the building.

733.7 The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions.

F. The use of this traditional pizza establishment shall be designed and operated such that its neighboring properties will not encounter objectionable noise, sounds, odors, lights, hours of operation or other conditions. Other &pizza establishments have operated in locations throughout the District without causing such problems. While the hours of operation have not yet been finalized for this location, noise will be limited due to a lack of outdoor seating. There will be normal lighting typical of a commercial establishment in a commercial district and odors will be contained via the proper housing and collection of trash.

The use shall provide sufficient off-street parking, but not less than that required by § 2101.1, to accommodate the needs of patrons and employees.

G. There is no parking requirement under § 2101.1. The existing off-street parking shall be sufficient as patrons and employees will likely be arriving by foot or public transit. The number of employees working at any given time will be small.

733.9 The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.

H. This use will have a limited effect on traffic conditions due to its close proximity (less than 300 feet) to the Eastern Market Metro station. The use is intended to serve patrons in the immediate area, as there are other &pizza establishments throughout the city. Given this location, in a commercial corridor near public transit, patrons will likely be arriving by foot. The existing parking and traffic systems are adequate to prevent objectionable conditions.

733.10 There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site.

- I. There are adequate facilities which allow deliveries and trash collections to occur without the obstruction of public rights-of way or unreasonable obstruction of parking spaces, aisles or driveways. Solid waste is picked up daily except Sunday and recycled waste is picked up Mon, Wed, Fri and Sat. Trash pick-ups occur behind the building and are in accordance with the trash housing and collection system mentioned above. Deliveries to the front of the building shall be coordinated such that drop-offs occur outside of peak traffic times. Deliveries received typically involve food items which are by nature non-burdensome and take very little time to unload.

733.11 The Board may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.

- J. Due to the limited impact of the use described herein, additional conditions imposed by the Board are unnecessary.

733.12 An applicant for special exception under this section may request the Board to modify the conditions enumerated in §§ 733.2 through 733.4; provided that the general purposes and intent of this section are complied with.

11-3104 The Requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning maps and will not tend to affect adversely the use of Neighboring Property

- K. The proposed use will not adversely affect the use of neighboring property. The use is comparable to the existing uses of neighboring properties and has not adversely affected the use of neighboring properties in its other locations across the city. Since the proposed fast food establishment will satisfy the requirements for special exception set forth in Section 7.33, the requested special exception will be in harmony with the purpose and intent of the Zoning Regulating and Zoning Map.