

DATE: July 7, 2023

TO: Tony LaColla, Division Chief
Department of Planning and Zoning

FROM: Mavis Stanfield, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00049
Administrative Review for Special Use Permit for a New Use
Site Use: Restaurant
Applicant: Khalil and Hamoudi VA-157 LLC
Location: 424 South Pickett Street
Zone: CDD #17a/Coordinated development district 17a

Request

Special Use Permit (SUP) #2023-00049 is a new use request to operate a restaurant at 424 South Pickett Street trading as a Tropical Smoothie Café franchise. The proposed hours of operation are Monday through Friday, 7 a.m. to 9 p.m., and 8 a.m. to 9 p.m. on Saturday and Sunday. The applicant expects to serve up to approximately 200 patrons per day and will employ seven staff people daily. The cafe will offer smoothies, salads, wraps and flatbread sandwiches.

Background

Real estate assessment records indicate the building was constructed in 2018. The subject property is part of a development approved by City Council on May 17, 2014, to construct approximately 722,223 gross square feet of development to include two mixed-use multi-family buildings with structured parking and 66 townhomes. This development included the following applications:

- Text Amendment, TA#2014-0003 to add the CDD to the zoning ordinance
- Development Special Use Permit, DSUP # 2013-00003 with Site Plan
- Master Plan Amendment, MPA #2013-0008 to increase building height on a portion of the site
- Rezoning, REZ#2013-0005 to rezone the property from CSL to CDD #17
- Special Use Permit, SUP #2013-0008 for a Transportation Management Plan

DSUP #2013-00003 includes the following condition:

26. Restaurants shall be permitted with an administrative special use permit provided they comply with Sections 11-513(C), (L), and (M) of the Zoning Ordinance, with the following exceptions. Restaurants that do not meet these conditions may apply for a separate special use permit.
 - a. The maximum number of indoor and outdoor seats allowed shall be determined by the Building Code.
 - b. The hours of operation for the restaurant shall be limited to between 7:00 am and 11:00 pm Sunday through Thursday, and between 7:00 am and midnight Friday and Saturday. MPA#2013-00008, REZ#2013-00005, TA# 2014-00003

CDD#2013-00002, TMP#2013-00088, DSUP#2013-00003 Cameron Park – 450 & 430 S. Pickett Street 37

- c. If entertainment is proposed consistent with the Zoning Ordinance, then it must be demonstrated by a qualified professional that sufficient sound-proofing materials are provided so as to prevent the entertainment from disturbing building residents. (Code)(P&Z) (T&ES)

Parking

Section 8-200(A)(17)(a) of the Zoning Ordinance requires that restaurants provide a minimum of 1.0 space of off-street parking spaces for every 1,000 square feet of space. The applicant’s business occupies 1,300 square feet and would be required to provide two off-street parking spaces. However, Section 8-100(A)(9) of the Zoning Ordinance states that nonresidential uses that have a parking requirement of two spaces or less are exempt from providing the spaces. Therefore, the applicant is not required to provide off-street parking.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard at the site. Staff received one letter of support and one letter of opposition. The letter of opposition commented on issues related to the franchise and not on specific land use impacts.

Staff Action

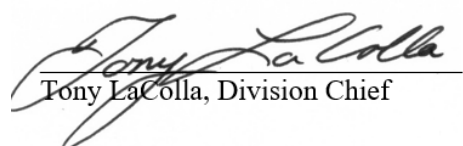
Staff supports the applicant’s request for a restaurant at this location. Staff believes that the addition of this use will be an asset to the immediate area, offering residential and commercial neighbors convenient access to a neighborhood restaurant. As proposed, this restaurant will meet the terms of DSUP condition #26 as the proposed hours of operation are within the required limitations and condition #6 of this SUP allows only limited live entertainment, which is categorized as low-level background music. Although the applicant proposed fewer hours than allowed in the DSUP, condition #5 reflects the hours permitted in the DSUP.

Other standards conditions have been included that address issues such as odors, storage of trash, utilization of public transportation, sanitation, and indoor limited live entertainment.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: July 7, 2023
Action: Approved

 ADH
Tony LaColla, Division Chief

- Attachments: 1) Special Use Permit Conditions
- 2) City Department Comments

3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2023-0049

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The maximum number of indoor and outdoor seats at the restaurant shall comply with the state building code. (DSUP #2013-00003)
3. The hours of operation for the restaurant shall be limited to between 7:00 am and 11:00 pm Sunday through Thursday, and between 7:00 am and midnight Friday and Saturday. (DSUP #2013-00003)
4. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
5. Litter on the site and on the 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)
6. Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)
7. 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)
8. The applicant shall require its employees to use off street parking. (T&ES)
9. On and off-premise alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)
10. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
11. 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)

12. Trash and garbage shall be stored inside or in sealed containers which do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate on site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (T&ES)
13. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
14. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES)
15. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
16. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. The business shall contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
17. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)
18. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
19. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
20. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
21. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
22. All patrons must leave the premises one hour after the closing hour. (P&Z)

23. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)

24. 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 and Environmental Services

- R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-3 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-4 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
- R-5 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-6 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-7 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
- R-8 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- 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 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-11 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-12 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (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 SUP 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)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code

A building permit is required for review of new construction.

Fire

A fire prevention permit is required for this new use. Applicant shall submit a fire prevention permit application that will result in an inspection by the Fire Marshal's office. Application can be accessed online at:

www.alexandriava.gov/fire-department/the-fire-marshals-office

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- fee must be paid separate from any other departmental fees.
- 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.
- C-8 Starting on 1/1/2023, The Virginia Department of Agriculture and Consumer Services (VDACS) is the point of contact for the following type of establishments: grocery stores, convenience stores, ice cream stores, wine shops, or bakeries. The divisions of Food Safety can offer further guidance. Please use the following contact information:

VDAC's Food Safety Program

804.786.3520

804.371.7792

foodsafety@vdacs.virginia.gov

Police

No comments received.

Recreation, Parks and Cultural Activities

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00049. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 424 South Pickett Street.



Applicant – Signature

Jul 10, 2023

Date

Khalil and Hamoudi VA-157 LLC

Applicant – Printed

Jul 10, 2023

Date