

DATE: March 30, 2023

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

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00019
Administrative Review for New Use
Site Use: Restaurant
Applicant: Robert Studer
Location: 716 King Street
Zone: KR/King Street Urban Retail

Request

Special Use Permit #2023-00019 is a request to operate an approximately 1,190 square foot restaurant, known as The Crazy Mason Milkshake Bar, at 716 King Street. The restaurant will specialize in ice cream, sundaes, milkshakes, and dessert items. The restaurant will offer dine-in and carry-out service during the proposed operational hours of 12 p.m. to 9 p.m., daily. The restaurant will include six indoor seats. The restaurant will serve approximately 100 to 200 customers daily and will be staffed by between three and eight employees per shift with two shifts daily. The restaurant will not offer alcohol sales, live entertainment, or applicant operated delivery services.

Background

The 1,882 square foot, two-story building located at the subject site was originally constructed in the early 20th century as a residence. Since that time, it has played host to a number of commercial uses, most recently being occupied by a retail use on the ground floor and accessory apartments located on the second floor. The restaurant at the center of the current request would be the first use requiring a Special Use Permit to be established in the commercial tenant space located at 716 King Street.

Parking

The applicant's proposed restaurant is located within the Central Business District and Section 8-300(B) of the Zoning Ordinance waives the parking requirement for restaurants located within the Central Business District. As such, 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 on the site. Staff also informed the Old Town Civic Association about the current application. Staff has received no comments regarding this application.

Staff Action

Staff supports the applicant's request for a restaurant at this location. It will serve to activate a currently vacant commercial space within the City's Central Business District in an area where many other restaurants currently operate without any issues.

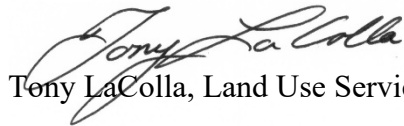
In order to mitigate potential issues relating to noise, environmental impacts, and other general restaurant operations, standard Special Use Permit conditions for restaurant approvals have been added to this approval.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: March 30, 2023

Action: Approve



Tony LaColla, Land Use Services Division Chief

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2023-00019

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 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. All patrons must leave the premises one hour after the closing hour. (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 at the restaurant shall comply with the state building code. (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. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
7. On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)
8. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
9. 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.
10. 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)
11. Exterior washing of the building shall not be completed using any kind of detergents. (T&ES)
12. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)

13. 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. (P&Z)
14. The applicant shall require its employees who drive to use off-street parking. (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. 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. The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (TES)
19. 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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
20. 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)
21. 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)
22. 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)
23. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

24. No amplified sound shall be audible at the property line after 11:00 pm. (T&ES)
25. 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)
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 Exterior power washing of the building shall not be completed using any kind of detergents.
- R-2 Chemicals, detergents, or cleaners stored outside the building shall be kept in an enclosure with a roof.
- R-3 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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters.
- R-4 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.
- R-5 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.
- R-6 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.
- R-7 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am.
- R-8 The applicant shall require its employees who drive to use off-street parking.
- R-9 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.
- R-10 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.
- R-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.

- R-12 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.
- R-13 The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends.
- 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). 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.
- 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.
- 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.

Code Enforcement:

- C-1 Building permit is required for review.

Health Department:

- 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.

Parks and Recreation:

No comments received

Police Department:

No comments received

Fire:

- C-1 A fire prevention permit will be required if the occupant load is more than 49 including calculating the occupant load capacity of the rear courtyard or if occupancy and use is classified as assembly.
- C-2 The allowable common path of travel distance from the back of the courtyard to main exit will need to be measured to ensure that maximum distance for a single exit occupancy is not violated. Allowable distance will depend on occupancy and use classification.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00019. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 716 King Street.



Applicant - Signature

3/30/23

Date

Robert A Stuber

Applicant - Printed

3/30/23

Date