

*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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**SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2024-00051  
Approved by Planning and Zoning: September 10, 2024  
Permission is hereby granted to: Laurin Curtis  
to use the premises located at: 3510 Duke Street  
for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

September 10, 2024

(by T. LaColla)

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Date

Karl Moritz, Director  
Department of Planning and Zoning

DATE: September 10, 2024

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

FROM: Mavis Stanfield, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2024-00051  
Administrative Review for a Minor Amendment  
Site Use: Restaurant  
Applicant: Laurin Curtis  
Location: 3510 Duke Street and 3501 Wheeler Avenue  
Zone: CG/Commercial general

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### **Request**

Special Use Permit #2024-00051 is a minor amendment to expand a drive through lane and add a third window with a canopy to an existing McDonald's restaurant. The drive through lane expansion would be constructed on the south side of the existing building and the 65 square foot addition to provide a third window would be constructed on the northeastern corner of the building. A total of nine parking spaces would be removed from the southern and eastern portions of the site. The project also provides accessibility improvements and will involve a remodeling of the interior.

### **Background**

The building was originally constructed as a one-story building in 1960 which was later expanded to include two lots of record consisting of 38,057 square feet and a floor area of 5,187 square feet. The original construction predated the zoning ordinance requirement for a special use permit.

On February 27, 1988, City Council approved SUP #2075 which allowed a 791 square foot addition and an increase in seating from 83 to 88 seats.

A zoning inspection conducted on August 28, 2024, revealed violations to Conditions #3, #5 and #10 of SUP #2075, related to a change in the hours of operation, the provision of a trash container on City right-of-way and placement of a sign at the entrance prohibiting left turns onto Duke Street. A subsequent inspection on September 4, 2024, confirmed that the sign had been reinstalled.

### **Parking**

The property is located within the enhanced transit area and therefore is subject to Section 8-200(A)(17) (a) which requires a minimum of one parking space and a maximum of three parking spaces for every 1,000 square feet of floor area. Therefore, a minimum of six spaces and a maximum of 18 spaces are required. There are currently 30 parking spaces and nine will be removed as part of the expansion of the drive through lane and therefore the site would exceed the maximum number of parking spaces by three spaces. However, in accordance with Section 8-100(A)(3) of the Zoning Ordinance, this property is exempt from maximum parking requirements

because the property was developed prior to January 27, 1987.

**Community Outreach**

Public notice was provided through eNews, via the City’s website, and by posting placards on the site. Staff received one comment of objection to the application stating that the third window is out of character with planned bus rapid transit system, bike lanes and mixed-use development. An analysis provided by Transportation Planning staff, however, did not find the proposal objectional.

**Staff Action**

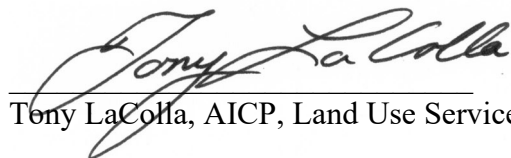
Staff supports the request to add additional aisle spaces and a window with a canopy to the existing restaurant. The changes are in response to an increase in demand for drive through service and these improvements will coincide with a reduction of seats from 73 to 48. The lane expansion would allow more vehicles to stack on-site, thus avoiding potentially dangerous stacking on Duke Street. Although the restaurant is located next to an assisted living facility to the west, it backs up to the parking lot which serves that use. Further to the southwest are apartments. A fence is located along the entire western lot line and is supplemented by trees and other plants. Further, there have been no complaints associated with the existing restaurant in the past five years. Therefore, staff does not anticipate adverse impacts with this minor expansion.

Special Use Permit conditions have been carried forward from Special Use Permit #2075. However, several conditions have been deleted, amended or added in order to reflect the current standard Special Use Permit conditions for a restaurant. This includes the deletion of Condition #5, which required the installation of a trash container on City right-of-way. This is a condition utilized many years ago that proved very difficult to enforce, due to the cost involved. It was eliminated as a standard condition many years ago. Condition #3, which specifies the hours of operation, is no longer regulated for indoor restaurants and has been amended to reflect current practice, which is to post the hours of operation, and the property is now compliant with that condition. Other conditions amendments to reflect current zoning ordinance language include Conditions #1, #2, #3, #4, #6, #7, #8, #9 and #10. Staff added new Conditions #11 through #22.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: September 10, 2024  
Action: Approved



Tony LaColla, AICP, Land Use Services Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2024-00051**

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. **CONDITION AMENDED BY STAFF:** ~~That t~~ The special use permit shall be granted to the applicant only or to any corporation business or entity in which the applicant has a controlling interest. (P&Z) (P&CD) (SUP#2075)
2. **CONDITION AMENDED BY STAFF:** ~~That no more than 88 seats be provided for the use of patrons~~ The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z) (P&CD) (SUP#2075)
3. **CONDITION AMENDED BY STAFF:** ~~That the hours during which the business is open to the public be restricted to between 6 a.m. and 1 a.m., daily. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (PC&D) (SUP#2075)~~
4. **CONDITION AMENDED BY STAFF:** ~~That a~~ At least two trash containers shall be located in the parking area for the use of patrons, the containers shall not be permitted to overflow, and the areas around them shall be kept clean. (P&Z) (P&Z) (P&CD) (SUP#2075)
5. **CONDITION DELETED BY STAFF:** ~~That one standard city trash container be furnished to the City Of Alexandria for installation by the City on adjacent public right-of-way. (P&CD) (SUP#2075)~~
6. **CONDITION AMENDED BY STAFF:** ~~That l~~ Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (P&Z) (PC&D) (SUP#2075)
7. **CONDITION AMENDED BY STAFF:** ~~That n~~ No food, beverages, or other material be stored outside with the exception of materials specified in other conditions. (P&Z) (P&CD) (SUP#2075)
8. **CONDITION AMENDED BY STAFF:** ~~That t~~ 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 in a dumpsters. (T&ES) (P&CD) (SUP#2075)

9. **CONDITION AMENDED BY STAFF:** ~~That~~ Trash and garbage shall be collected daily when the business is open. (P&Z) (P&CD) (SUP#2075)
10. **CONDITION AMENDED BY STAFF:** ~~That~~ The applicant shall maintain a sign at the driveway entrance be “signed” by the applicant so as to which prohibits left turns onto Duke Street. (P&Z) (P&CD) (SUP#2075)
11. **CONDITION ADDED BY STAFF:** Delivery vehicles are permitted and must be parked off street when not in use. (P&Z)
12. **CONDITION ADDED BY STAFF:** 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)
13. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
14. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
15. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung 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)
16. **CONDITION ADDED BY STAFF:** 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)
17. **CONDITION ADDED BY STAFF:** 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)
18. **CONDITION ADDED BY STAFF:** 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)
19. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
20. **CONDITION ADDED BY STAFF:** The applicant shall require is employees who drive to use off-street parking. (P&Z)
21. **CONDITION ADDED BY STAFF:** All windows shall remain transparent. The

placement or construction of items that block the visibility of the interior of the commercial space from the street and sidewalk (e.g. storage cabinets, carts, shelving, boxes, coat racks, storage bins, closets, etc.) shall be prohibited. (P&Z)

22. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after it has been operational, and then again every three years for compliance with all conditions and may docket the matter for consideration by the Planning Commission and City Council if 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; or the Director has determined that new or revised conditions are needed to offset land use impacts not addressed in the City Code.

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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.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

TES/OEQ conditions include carrying forward the conditions from SUP#2075 with this approval.

- R-1 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (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 Exterior power washing of the building shall not be completed using any kind of detergents (T&ES)
- R-4 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-5 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. (T&ES)
- 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. (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 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-9 The applicant shall provide speed humps (or other traffic calming devices as deemed appropriate by the Director of T&ES) within the drive aisles of the McDonalds.
- 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](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)

- C-2 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 Enforcement:

- C-1 A building permit is required.

Recreation, Parks, and Cultural Activities:

No comments received.

Police Department:

No comments received.

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 4850 Mark Center Dr., 4<sup>th</sup> Floor 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](mailto:foodsafety@vdacs.virginia.gov)

Fire Department:

No comments or concerns with the current design.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-00051. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the expansion of a drive-through lane and a third window with a canopy for the restaurant at 3510 Duke Street and 3501 Wheeler Avenue.

  
\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
9/20/24  
Date

**LAURIN CURTIS**  
\_\_\_\_\_  
Applicant – Printed

\_\_\_\_\_  
9/20/24  
Date