



*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 #2024-00080

Approved by Planning and Zoning: December 19, 2024

Permission is hereby granted to: Zaytoun LLC

to use the premises located at: 5418 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.

December 19, 2024

(by T. LaColla)

Date

Karl Moritz, Director  
Department of Planning and Zoning

DATE: December 19, 2024

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

FROM: Mavis Stanfield, Urban Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2024-00080  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Zaytoun LLC  
Location: 5418 Duke Street  
Zone: CG/Commercial general

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### **Request**

Special Use Permit #2024-00080 is a request for a Change of Ownership of a restaurant from AZ Pizza & Cheesesteak Corp. to Zaytoun LLC, doing business as Zaytoun Halal Grill. The hours of operation would be 10 a.m. to 2 a.m., daily. The number of employees will increase from 6 to 10. No other changes which would prompt a minor amendment are proposed.

### **Background**

The subject site was first developed with the existing one-story 2,200 square foot commercial building and surface parking lot with 12 off-street spaces via approval of Site Plan #1965-00056, Construction was completed in 1966. From 1966 to 1983, the site was occupied by a convenience store.

In May 1983, City Council approved Special Use Permit #1558 for a carry-out and delivery restaurant, Domino's Pizza. The restaurant operated under the 1983 approval until City Council approved Special Use Permit #2016-00098 which amended the Special Use Permit to permit indoor seating, an increase in the hours of operation, and a change of ownership. In January 2020, staff administratively approved Special Use Permit #2019-00106 for a change of ownership from Team Washington, Inc to Long Gate, LLC, which operated the restaurant as AJ Pizza & Cheesesteak.

On May 7, 2024, staff administratively approved Special Use Permit #2023-000102 for a change of ownership of a restaurant from Long Gate, LLC to AZ Pizza & Cheesesteak Corp.

On March 13, 2023, the previous owner was found to be in violation of the maintenance code for trash and debris throughout the property as well as storage of an unlicensed vehicle, which was resolved on March 27, 2023.

During the SUP review in January 2024 for the previous application, AJ Pizza & Cheesesteak, zoning violations for several SUP conditions were noted in and a subsequent inspection on March

15 revealed that a resolution of the violation of Condition #25, regarding the repair and striping of the parking area, still had not been resolved. A final inspection was conducted on May 2 and confirmed that all Special Use Permit conditions were being adhered to.

**Parking**

Section 8-200(A)(17)(a) requires restaurants in the enhanced transit area to provide one parking space for every 1,000 square feet of floor area. The 2,033 square foot business is required to provide three parking spaces. This requirement is met with the provision of the 12-space on-site parking lot.

**Community Outreach**

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. Staff has not received any comments from residents or adjacent businesses regarding the request.

**Staff Action**

Staff does not object to the Change of Ownership request as a new owner will bring a different management for the long-standing restaurant in a commercial corridor where several other restaurants currently operate. Special Use Permit conditions will be carried over from Special Use Permit #2023-00102. However, Condition #26 will be deleted, as pole signs are no longer required to be removed, and Condition #27 will be amended to reflect current SUP condition language.

Staff hereby approves the Special Use Permit request.

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

Date: December 19, 2024  
Action: Approved

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Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT # 2024-00080**

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) (SUP #1558)
2. Condition deleted by staff. (SUP #2016-00098)
3. All patrons must leave the premises one hour after the closing hour. (P&Z) (SUP #2023-00102)
4. Litter on site and on the public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, and more often as necessary to prevent an unsightly and insanitary accumulation, on each day that the business is open to the public. (P&CD) (SUP #1558)
5. No food, beverages or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP #2023-00102)
6. 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) (SUP #2016-00098)
7. Condition deleted by staff. (SUP #2016-00098)
8. The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z) (SUP #2023-00102)
9. The applicant shall post the hours of operation at the entrance to the business. (P&Z) (SUP #2016-00098)
10. 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; to review site access including the requirement for delivery vehicles to access the property only using public streets and property curb cuts on Duke Street and South Reynolds Street and no use of other properties for delivery vehicle access; and, to require employees to be sensitive to noise affecting residents (i.e. during shift changes, activity after 11 p.m., and other outdoor activities in which unreasonable noise may carry and disrupt nearby residences). (P&Z) (PC) (SUP #2016-00098)

11. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP #2016-00098)
12. 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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES) (SUP #2016-00098)
13. 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES) (SUP #2016-00098)
14. Restaurant-managed delivery vehicles must be provided with dedicated off-street parking spaces for each delivery vehicle. (P&Z) (SUP #2023-00102)
15. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP #2016-00098)
16. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP #2016-00098)
17. 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) (SUP #2016-00098)
18. 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) (SUP #2016-00098)
19. 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) (SUP #2016-00098)
20. 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) (SUP #2016-00098)
21. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP #2016-00098)
22. All loudspeakers shall be prohibited from the exterior of the building, and no amplified

- sounds shall be audible at the property line. (T&ES) (SUP #2023-00102)
23. On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z) (SUP #2023-00102)
  24. 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) (SUP #2023-00102)
  25. The applicant shall maintain the striping of the parking lot and maintain the parking lot paving in good repair. (P&Z) (SUP #2023-00102)
  26. **CONDITION DELETED BY STAFF:** ~~The free-standing pole sign shall be replaced with a monument sign no later than February 21, 2024. (P&Z) (SUP #2023-00102)~~
  27. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after it has been operational ~~for one year, and then again every three years for compliance with all conditions and may~~ 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) or 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~~ to offset land use impacts not addressed in the city code. (P&Z) (SUP #2023-00102)
  28. The applicant shall establish a franchise representative to serve as a liaison with members of the community to resolve concerns that may arise from the operation of the restaurant. The name of the liaison shall be posted inside the store in a conspicuous location and provided to nearby property owners. Contact information for this individual shall be available upon request. (P&Z) (PC) (SUP #2016-00098)
  29. Condition deleted by staff. (SUP #2023-00102)
  30. 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) (SUP #2023-00102)

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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.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-00080. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 5418 Duke Street.



Applicant - Signature

12-Dec-2024

Date

Mushtaq Habibi

Applicant – Printed

12-Dec-2024

Date