

DATE: August 8, 2025

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 #2025-00039  
Administrative Review for a New Use  
Site Use: Restaurant and outdoor dining on private property  
Applicant: Ksenia M. Varakina  
Location: 1021 Queen Street  
Zone: CL/Commercial low

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### **Request**

Special Use Permit #2025-00039 is a request for a New Use Special Use Permit to allow a restaurant and outdoor dining on private property with fewer than 49 seats. The 1,062 square foot, 24-seat, coffee and wine restaurant, which would serve pastries, cheese boards and other light snacks, would be open daily from 7 a.m. to 9 p.m., serving approximately 60 customers a day. Sixteen outdoor dining seats would be located in the front yard, facing Queen Street. The business would operate under the trade name Cherry on Top.

### **Parking**

Section 8-200(A)(17)(a) of the Zoning Ordinance requires restaurants to provide a minimum of one parking space for every 1,000 square feet when located within the Enhanced Transit Area. The first twenty outdoor dining seats are exempt from the parking requirement. The 1,062 square foot restaurant with 16 outdoor seats would be required to provide two parking spaces. However, pursuant to Section 8-100(A)(9) of the Zoning Ordinance, nonresidential uses that have a parking requirement of two spaces or less are exempt from providing the spaces, meaning no parking is required for this use.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the West Old Town Citizens Association received an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses.

### **Staff Action**

Staff supports the SUP request for a new restaurant and outdoor dining at 1021 Queen Street as it complies with all standards of Zoning Ordinance Section 11-513. The applicant must comply with the standard conditions for restaurants and outdoor dining as included in this report. Although the applicant indicated that the restaurant would close at 9 p.m. and would only have 16 outdoor seats, Conditions #10 and #11 allow the restaurant to be cleared of customers by 11 p.m. and have up to

the maximum of 49 outdoor seats, which are standard conditions for administrative SUPs. The additional seats will not affect the number of required parking spaces. This additional latitude will allow the applicant to modify her business without having to amend her application. Staff believes that the restaurant with outdoor seating is an attractive addition to the neighborhood that will enliven the street.

The applicant initially indicated that she would be hosting small community events such as wine tastings, coffee classes, and movie nights. While the wine tastings would be considered part of the restaurant use and the coffee classes would be considered a commercial private school, a permitted use in the CL zone, the movie nights would be considered live entertainment and would, therefore, require docketed hearings before the Planning Commission and City Council. When the applicant was advised of this, she removed the movie nights from her SUP application proposal.

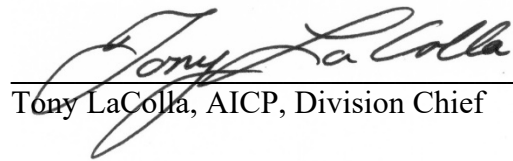
The application also indicates loading and unloading would occur beginning at 6 a.m. However, standard SUP conditions limit loading and unloading to between 7 a.m. and 11 p.m. When advised of this limitation, the applicant said she would adjust her operation accordingly.

Staff hereby approves the Special Use Permit request.

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

Date: August 8, 2025

Action: Approved

  
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Tony LaColla, AICP, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2025-00039**

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. The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z)
3. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
4. 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)
5. On and off-premise alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)
6. 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)
7. 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)
8. All patrons must leave the premises one hour after the closing hour. (P&Z)
9. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
10. A maximum of 49 seats may be located at outdoor tables on private property. (P&Z)
11. The outdoor dining shall be closed and cleared of all customers by 11 p.m. daily. (P&Z)
12. Live entertainment is not permitted. (P&Z) (T&ES)

13. Outdoor seating areas shall not include signage on outdoor dining furniture or enclosures, including on umbrellas. (P&Z)
14. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)
15. The applicant shall control 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)
16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11p.m. and 7 a.m. (T&ES)
17. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
18. 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)
19. 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)
20. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
21. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
22. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
23. If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)
24. 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. (T&ES)
25. The applicant shall require its employees who drive to use off-street parking. (T&ES)

26. 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)
27. 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)
28. 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. (P&Z)

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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:

- S-1 Provide an accessible route from the public right-of-way to the building's main entrance.
- S-2 The applicant is strongly encouraged to install a [short-term](#) visitor (i.e., public) bicycle rack somewhere along their property's frontage with Queen Street.
- S-3 Identify and label on applicable sheets the abutting public right's of way – e.g., streets and alleys, if applicable, with building permit submission.
- R-1 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-2 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-3 The use must comply with the City's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 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)
- R-5 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-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 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

- R-8 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-9 If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)
- R-10 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-11 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-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)
- R-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)
- 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-DROW)
- 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-DROW)
- C-3 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-DROW)

Code Enforcement:

- C-1 A building permit is required for any change of use.

- C-2 Per VPC Section 403.2, a separate restroom is required when occupancy exceeds 15, and the restroom must comply with ADA requirements. VPC403.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex. Exceptions: 2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.

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 Drive 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.

## STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2025-00039. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant and outdoor dining at 1021 Queen Street.

KMD  
Applicant - Signature

08/14/2025  
Date

Krenia M VARAKINA  
Applicant - Printed

08/14/2025  
Date

### Parking

Section 8-200(A)(17)(a) of the Zoning Ordinance requires restaurants to provide a minimum of one parking space for every 1,000 square feet when located within the Enhanced Transit Area. The first twenty outdoor dining seats are exempt from the parking requirement. The 1,062 square foot restaurant with 16 outdoor seats would be required to provide two parking spaces. However, pursuant to Section 8-100(A)(9) of the Zoning Ordinance, nonresidential uses that have a parking requirement of two spaces or less are exempt from providing the spaces, meaning no parking is required for this use.

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