

*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 #2018-0011

Approved by Planning and Zoning: March 16, 2018

Permission is hereby granted to: New Blue Zen VA Inc.

to use the premises located at: 101 North Union 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.

March 16, 2018  
Date

K. Moritz by [Signature]  
Karl Moritz, Director  
Department of Planning and Zoning

DATE: March 16, 2018

TO: Mary Christesen, Acting Division Chief Land Use Services  
Department of Planning and Zoning

FROM: Femi Adelokun, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0011  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: New Blue Zen VA Inc.  
Location: 101 N. Union Street  
Zone: KR/King Street Retail

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**Request**

Special Use Permit #2018-0011 is a request to change ownership of an existing restaurant from Blue Zen VA, Inc to New Blue Zen VA, Inc. No changes to the current operations are proposed. The business will continue to serve frozen yogurt along with related confections, coffee and other drinks with a dine in and carry-out service, 15 indoor seats and operating hours of 10 a.m. to 11p.m. daily.

**Background**

The restaurant is currently located in a three-story office and commercial building located at 101 N. Union Street. Retail tenants are located on the bottom floor facing an arcade that provides pedestrian access between the corner of King & Union Streets and the waterfront. Office uses are located immediately above the first-floor retail. Icon Gallery, a retail art gallery, was previously located in the applicant tenant space prior to their 2011 SUP approval to operate a restaurant through SUP2010-0088. A frozen yogurt shop has since operated from this location.

On February 22, 2018, a zoning inspector visited the subject property and found the business to be in violation of condition #4 requiring the posting of hours of SUP2010-0088. A follow up inspection was carried out on February 28, 2018 and the business was found to be in compliance with all SUP conditions including condition #4.

**Parking**

The subject property is located within the Central Business District (CBD). According to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are not subject to standard parking requirements.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, Old Town Civic Association was sent a written notification of the

current application. Staff has not received any comments from residents or adjacent businesses.

**Staff Action**

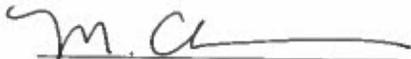
Staff does not object to the change of ownership request. Staff finds the change of ownership request to be reasonable as the old business has no recorded complaints or negative impacts and the new applicant proposes no changes to the current business operations or SUP conditions. Staff has carried over conditions from SUP #2010-0088 and conditions have been amended and added to reflect modern condition language. Staff has updated Conditions #10 (outdoor storage), #15 (cleaning), to reflect current language. Staff has also added Condition #23 (window coverage) that reflects current standards for SUPs in pedestrian oriented areas. Finally, staff has deleted Conditions #19 (security survey) as it has been satisfied by the previous business owner.

Staff hereby approves the Special Use Permit request.

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

Date: March 16, 2018

Action: Approved

  
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Mary Christesen, Acting Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2018-0011**

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) (SUP2010-0088)
2. The hours of operation of the restaurant shall be limited to between 10:00am and 11:00pm seven days/week. (P&Z) (SUP2010-0088)
3. The maximum number of indoor seats at the restaurant shall be 15. Additional outdoor seating may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. (P&Z) (SUP2010-0088)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2010-0088)
5. No live entertainment shall be permitted either inside the restaurant or in any future outdoor dining area. (P&Z) (SUP2010-0088)
6. No delivery service shall be available from the restaurant. (P&Z) (SUP2010-0088)
7. No alcohol service shall be permitted at the restaurant. (P&Z) (SUP2010-0088)
8. Meals ordered before the closing hour may be sold, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour and all patrons must leave by one hour after the closing hour. (P&Z) (SUP2010-0088)
9. 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) (SUP2010-0088)
- ~~10.~~ **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside with the exception of materials specified in other conditions (P&Z) (SUP2010-0088)
11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP2010-0088)
12. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z) (T&ES) (SUP2010-0088)

13. **CONDITION AMENDED BY STAFF:** ~~The applicant shall require its employees who drive to use off-street parking, and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees.~~ (PC) (P&Z)(T&ES) (SUP2010-0088)
14. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (T&ES) (SUP2010-0088)
15. **CONDITION AMENDED BY STAFF:** 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) (SUP2010-0088)
16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP2010-0088)
17. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2010-0088)
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) (SUP2010-0088)
19. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees.~~ (Police) (SUP2010-0088)
20. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP2010-0088)
21. **CONDITION AMENDED BY STAFF:** 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) (SUP2010-0088)

22. **CONDITION ADDED BY STAFF:** 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. (P&Z)
  
23. **CONDITION ADDED BY STAFF:** 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)
  
24. **CONDITION ADDED BY STAFF:** 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. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0011. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 101 North Union Street.

  
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Applicant - Signature

03/26/18  
Date

KHOI NGUYEN  
Applicant - Printed

03/26/18  
Date