

City of Alexandria, Virginia
Department of Planning & Zoning

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 #2013-0010

Approved by Planning and Zoning: April 10, 2013

Permission is hereby granted to: M&A Investment, LLC

to use the premises located at: 5145 Duke Street Suite C

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.

4/10/13
Date

Farroll Hamer / JCA
Farroll Hamer, Director
Department of Planning and Zoning

DATE: April 10, 2013

TO: Joanna Anderson, Acting Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2013-0010
Administrative Review for New Use
Site Use: Restaurant
Applicant: M&A Investment, LLC
Location: 5145 Duke Street Suite C
Zone: CG / Commercial General

Request

Special Use Permit #2013-0010 is a request to operate a new full-service restaurant at 5145 Duke Street Suite C. The proposed restaurant will feature up to 26 seats and will be coextensive with an approved Ethiopian market. The applicant will offer both dine-in and carry-out service and on-premises alcohol. The proposed hours of operation are 6 a.m. to 11 p.m. daily. The business plans to serve Ethiopian cuisine under the trade name of Sora Ethiopian Market Café and Carry-Out.

Background

In April 2012, the applicant received Planning & Zoning approval to operate an Ethiopian market with an accessory restaurant containing up to eight seats. Since that time, the business has not opened and the applicant has decided to change the concept to include more seating. Staff concluded that the total 26-seat proposal could no longer be considered accessory to the market use and required the applicant to file for Special Use Permit approval.

Parking

According to Section 8-200(A)(17) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. A restaurant with 26 seats is therefore required to provide seven off-street parking spaces. The existing parking areas to the side and rear of the building contain a total of 26 parking spaces. Eleven of these spaces are dedicated to the other businesses in the building to satisfy their required parking: three spaces each for the locksmith and printing businesses and five spaces for the Pizza Hut Express. The applicant satisfies the minimum seven-space parking requirement for the proposed use given that the balance of available parking at the site is 15 spaces.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Cameron Station Civic Association was sent an e-mail with information about the current application. Staff received a response from Cameron Station Civic Association indicating it had no objection to the request.

Staff Action

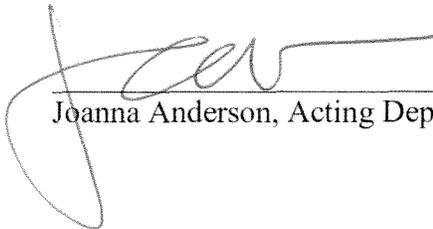
Staff does not object to the applicant's request to operate a restaurant and market in this space. The use is appropriate in this location and is relatively small in terms of its size and seating. No off-premises alcohol or live entertainment is proposed. Adequate parking is available in the parking areas to the rear and side of the building.

Staff has included several standard conditions of approval in this report to address matters such as seating, hours of operation, odors, and litter. A few conditions of approval have been included for consistency with the standards for Administrative Special Use Permits for new restaurants. For example, staff has required that the applicant provide full-service to customers at all times the restaurant is open (Condition #5), prohibited off-premises alcohol (Condition #6), and prohibited food and beverage deliveries to customers (Condition #8) since the restaurant does not offer at least 40 seats.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: April 10, 2013
Action: Approved



Joanna Anderson, Acting Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT #2013-0010

The applicant 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#2010-0081)
2. The maximum number of seats at the restaurant shall be 26. No outdoor seats shall be allowed at the restaurant. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The hours of operation for indoor seats at the restaurant shall be limited to between 6 a.m. and 11 p.m. daily. Meals ordered before 11 p.m. may be served, but no new patrons may be admitted and no new alcohol may be served after 11 p.m. and all patrons must leave by 12 midnight. (P&Z)
5. The restaurant shall offer full service to customers at all times the restaurant is open to the public. Full service shall include printed menus, wait service provided at tables and preset tables with non-disposable silverware. (P&Z)
6. On-premises alcohol service may be permitted but off-premises alcohol sales shall be prohibited. (P&Z)
7. No live entertainment may be offered at the restaurant. (P&Z)
8. No delivery of food or beverages to customers shall be offered from the restaurant. (P&Z)
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)
10. No food, beverages, or other material shall be stored outside. (P&Z)
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)
12. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7:00 a.m.
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

14. 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)
15. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)
16. 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)
17. The applicant shall require its employees who drive to use off-street parking. (T&ES)
18. The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (T&ES)
19. 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 *From Zoning Ordinance; 11-513 (C)*

- (3) The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.
- (5) The applicant shall require its employees who drive to work to use off-street parking.
- (9) 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.
- (10) The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.

R-2 *From Zoning Ordinance; 11-513 (L)*

- (7) Full service restaurants with a minimum of 40 seats may offer delivery service which shall be limited to one delivery vehicle, with a dedicated off-street parking space, and shall not be parked on the public right-of-way. No delivery of alcoholic beverages is permitted.
- (10) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- (11) The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.
- (12) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.

Code Enforcement:

- F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plans Review Services Division Chief at ken.granata@alexandriava.gov or 703-746-4193.
- C-1 Building and trades permits are required for this project. Six sets of construction documents sealed by a Registered Design Professional that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s)
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. The plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 Alteration to a building/structure shall comply with the Uniform Statewide Building Code (USBC).
- C-4 Before a building permit can be issued on any proposed future alterations, a certification is required from the owner or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos.
- C-5 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof.
- C-6 Exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11.

Health Department:

Food Facilities

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 or location to another.
2. Plans shall be submitted to the Health Department 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.

3. Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling 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.
4. Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
5. A Certified Food Manager shall be on-duty during all operating hours.
6. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
7. Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Parks and Recreation:

F-1 No comments received

Police Department:

F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.