

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 #2013-0012
Approved by Planning and Zoning: April 9, 2013
Permission is hereby granted to: Dana Carter
to use the premises located at: 1606 Mount Vernon Avenue
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.

4/9/13
Date

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

DATE: April 9, 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 #2013-0012
Administrative Review for Change of Ownership
Site Use: Restaurant with Convenience Store
Applicant: Dana Carter
Location: 1606 Mount Vernon Avenue
Zone: CL / Commercial Low

Request

Special Use Permit #2013-0012 is a request to change ownership of an existing restaurant and convenience store from Chong Chan-Wook to Dana Carter. No changes to the operation are proposed and the applicant plans to continue operating as a deli-style restaurant with convenience store under the trade name of Mama Reacer's.

Background

A restaurant and convenience store have been located in this tenant space since at least 1993, when City Council approved SUP#2704. Several amendments have been approved since that time, including changes of ownership and an expansion in 2001 that included approval of a parking reduction. Most recently, staff administratively approved SUP#2002-0120 to change ownership to the current applicant in 2003.

On March 21, 2013, staff visited the subject property and found no violations of the conditions of Special Use Permit #2002-0120. Staff has not received any complaints or observed any violations regarding the operation of the business in the last ten years.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Del Ray Citizens and Del Ray Business Associations were sent an e-mail with information about the current application. Staff received an email from the Del Ray Business Association expressing support for the application. The Del Ray Citizens Association has also expressed its support and seeks two changes to the SUP regarding extended hours of operation and additional outdoor dining seats. Staff has clarified with DRCA that the SUP already allows the later closing hour they advocate and that the applicant would need to apply for a new Administrative SUP to obtain approval for additional outdoor seats.

Staff Action

Staff does not object to the change of ownership, which involves no changes to the business compared to prior SUP approval. Staff has amended and added conditions of approval in this report for consistency with modern condition language and regarding matters such as deliveries, employee training and the promotion of public transportation. Staff has also deleted two conditions requiring improvements that have been completed at the business in the last 10 years.

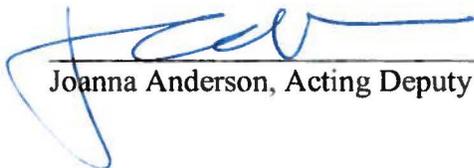
Staff has notified the applicant of the interest on the part of the Del Ray Citizens' Association for an increased number of outdoor dining seats at the business, but has not incorporated the suggestion from DRCA into the conditions due to the need for further Administrative SUP approval for that change. If the applicant decides to add outdoor seating in the future, such a request can be reviewed through a separate Administrative SUP.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: April 9, 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 #2013-0005

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2704-A)
2. The hours of operation shall be limited to 7 a.m. to 11 p.m., seven days a week. (P&Z) (SUP #2704)
3. **CONDITION DELETED BY STAFF:** ~~The applicant shall obtain, at their expense, one Model SD 2 Bethesda Ironside Series trash container to replace the existing street box. (P&Z) (SUP #2001-0086)~~
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 daily, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2704)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2704)
6. **DUPLICATE CONDITION DELETED BY STAFF (See Condition #15):** ~~Trash and garbage shall be stored inside or in a dumpster. (P&Z) (SUP #2704)~~
7. Condition deleted. (SUP 01-086)(P&Z)
8. The applicant shall post the hours of operation at the entrance to the business. (P&Z) (SUP #2704)
9. Kitchen or other types of equipment shall not be cleaned outside, nor shall any cooking residue or other wastes be washed into the streets, alleys, sidewalks or storm sewers. (T&ES) (SUP #2001-0086)
10. **CONDITION AMENDED BY STAFF:** ~~The applicant shall control cooking odors, and smoke, and any other air pollution from operations at the site and prevent them from leaving the property to prevent them from or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (P&Z) (SUP #2001-0086)~~
11. Beer and wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (P&Z) (SUP #2001-0086)
12. Condition deleted. (SUP#2001-086)(P&Z)
13. Condition deleted. (SUP#2001-086)(P&Z)
14. No amplified sound shall be audible at the property line. (P&Z)(SUP #99-0140)

15. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be permitted to accumulate on site outside of those containers. (P&Z) (SUP #99-0140)
16. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at ~~703-838-4520~~ for a security survey and robbery awareness program for employees. (Police) (SUP#2002-0120)
17. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2001-0086)
18. **CONDITION AMENDED BY STAFF:** ~~The use of loudspeakers outside of the restaurant shall be prohibited.~~ All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (P&Z) (SUP #2001-0086)
19. **CONDITION AMENDED BY STAFF:** Indoor and outdoor seating may be provided for no more than 24 patrons if the applicant can meet Health Department and Code Enforcement requirements prior to their use. Outside dining facilities may be provided in a manner consistent with the ~~attached~~ approved 2001 plan to the satisfaction of the Director of Planning & Zoning and shall not encroach on the public right-of-way. The hours of operation of the outdoor dining area shall be limited from 8:00 a.m. to 8:00 p.m. daily. The outdoor dining area shall be cleared of all diners by 8:00 p.m. and shall be cleaned and washed by 8:30 p.m. (P&Z) (SUP #2001-0086)
20. The applicant shall provide planters with evergreen landscaping in the outdoor dining area to the satisfaction of the Director of Planning and Zoning and shall maintain the landscaping in good condition. (P&Z) (SUP #2001-0086)
21. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The pay telephone located in front of the restaurant shall be removed.~~ (P&Z) (SUP #2001-0086)
22. Any exterior renovations and signage shall be consistent with the Mt. Vernon Avenue Design Guidelines. (P&Z) (SUP #2001-0086)
23. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall remove all existing neon signage.~~ (P&Z) (SUP #2001-0086)
24. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit ~~after it has been operational~~ for one year after approval 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 a 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) (SUP #2001-0086)

25. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall install masonry pavers at the time the City upgrades the streetscape in this section of Mount Vernon Avenue. (PC) (SUP #2001-0086)~~
26. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP#2002-0120)
27. **CONDITION ADDED BY STAFF:** No delivery service of food and beverages to customers shall operate from the restaurant. (P&Z)
28. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z)
29. **CONDITION ADDED BY STAFF:** At such time that an organized parking program is adopted by City Council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (P&Z)
30. **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, and on how to prevent underage sales of alcohol. (P&Z)
31. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0012. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant and convenience store at 1606 Mount Vernon Avenue.


Applicant - Signature

4-22-13
Date

DANA CARTER
Applicant - Printed

4-22-13
Date