

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 #2013-0036

Approved by Planning and Zoning: June 27, 2013

Permission is hereby granted to: Ben's Landmark Deli, Inc. by Kyung Soo Kim

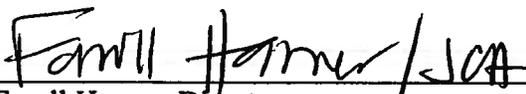
to use the premises located at: 101 North Whiting Street Suite 115

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.

6/27/2013

Date


Faroll Hamer, Director
Department of Planning and Zoning

DATE: June 27, 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 #2013-0036
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Ben's Landmark Deli, Inc. by Kyung Soo Kim
Location: 101 South Whiting Street Suite 115
Zone: CRMU/H / Commercial Residential Mixed-Use (High)

Request

Special Use Permit #2013-0036 is a request for a change of ownership at an existing restaurant in 600 square feet of space on the ground level of the Landmark Towers Apartments at 101 South Whiting Street. The change of ownership request will transfer the SUP from Mo Feroz Kabir to Ben's Landmark Deli, Inc by Kyung Soo Kim. No other changes to the business are proposed and the applicant plans to continue operating the deli-style restaurant under the name of "Ben's Landmark Deli."

Background

City Council first approved an SUP for a restaurant at this site in 1989 (SUP#2279). Most recently, staff administratively approved a change of ownership in September 1998 (SUP#98-0081). Although Planning & Zoning staff has received complaints in the past regarding Landmark Towers, it has not received any complaints about this business since the use first started operation in 1989.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Sentinel of Landmark and Olympus Condominium Associations were sent written notification of the current application. Staff has not received any comments from residents or adjacent businesses.

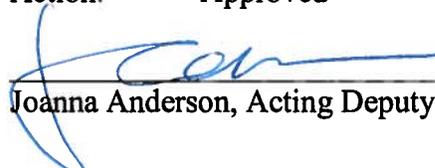
Staff Action

Staff does not object to the applicant's proposal. It finds that the request to change ownership of the business is reasonable. New or amended conditions have been included in this report for consistency with modern standard condition language regarding matters such as odors, litter, and the one-year staff-level review. New prohibitions on alcohol, delivery service and live entertainment have also been included in this report since none of these features were noted in prior SUP proposals.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 6/27/2013
Action: Approved


Joanna Anderson, Acting Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT #2013-0031

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 #2279)
2. Seating shall be provided inside for no more than 21 patrons. (P&Z)(SUP #2279)
3. **CONDITION AMENED BY STAFF:** The hours during which the business is open to the public shall be restricted to between 7:00 A.M. and 7:00 P.M., daily, Monday through Saturday, as requested by the applicant. Meals ordered before 7 p.m. may be served, but no new patrons may be admitted after 7 p.m., and all patrons must leave by 8 p.m. (P&Z) (SUP #2279)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2279)
5. **CONDITION AMENED BY STAFF:** Trash and garbage shall be stored inside or in a dumpster. 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 or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2279)
6. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP #2279)
7. **CONDITION DELETED BY STAFF:** ~~One standard City trash container shall be furnished to the City of Alexandria for installation by City on the adjacent public right of way.~~ (P&Z) (SUP #2279)
8. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2279)
9. The applicant shall provide five (5) off-street parking spaces at the building. (P&Z) (SUP #2279)
10. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
11. **CONDITION ADDED BY STAFF:** No alcohol may be sold at the restaurant. (P&Z)
12. **CONDITION ADDED BY STAFF:** No live entertainment shall be offered at the restaurant. (P&Z)
13. **CONDITION ADDED BY STAFF:** No delivery service shall operate from the

restaurant. (P&Z)

14. **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. (P&Z)
15. **CONDITION ADDED BY STAFF:** Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z)
16. **CONDITION ADDED BY STAFF:** Litter on the site and on the public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, or more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z)
17. **CONDITION ADDED BY STAFF:** All loudspeakers are prohibited on the outside of the building and no amplified sound shall be audible past the property line. (P&Z)
18. **CONDITION ADDED BY STAFF:** 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. (P&Z)
19. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)
20. **CONDITION ADDED 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. (P&Z)
21. **CONDITION ADDED 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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0031. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 101 South Whiting Street Suite 115.

Kyung Soo Kim
Applicant - Signature

6/27/13
Date

Kyung Soo Kim
Applicant - Printed

6/27/13
Date