

DATE: June 16, 2014

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0018
Administrative Review for Change of Ownership and Minor Amendment
Site Use: Restaurant
Business Name: Sinbad
Applicant: Family Foods, LLC
Location: 3250 Duke Street
Zone: CG/Commercial General

Request

Special Use Permit #2014-0018 is a request to change the ownership of an existing restaurant and for a minor amendment to revise the hours of operation at the business. The change of ownership is proposed from Petra, Inc. to Family Foods, LLC. The new owner plans to change the name of the restaurant from Maggio's to Sinbad and to offer a new Mediterranean menu.

In the minor amendment request, the applicant proposes to change the opening and closing hours of the restaurant. A later closing hour of 12 midnight Monday through Thursday and Sunday, as well as an earlier opening hour of 9 a.m. on Sundays, would be offered. This change would result in an additional two hours of evening operation most evenings (four additional hours on Sunday evenings) and one additional hour of operation on Sunday mornings. At the same time, the applicant also proposes an opening hour at the restaurant of 10 a.m. Monday through Thursday and 9 a.m. Friday through Sunday, which represents a reduction of two to three hours most mornings (except on Sundays). The resulting hours of operation under this proposal would be 10 a.m. to 12 midnight Monday through Thursday, 9 a.m. to 12 midnight Friday and Saturday, and 9 a.m. to 12 midnight on Sundays. Aside from voluntarily removing alcohol sales, no other changes are proposed for the restaurant.

Background

Several restaurants have occupied this site since 1989 (SUP#2309), and staff has administratively approved several ownership changes and amendments over the years. The most recent restaurant, Maggio's, closed in November 2013.

Staff found violations of the SUP conditions in 2013 regarding the hours of operation and an incomplete security survey. These were later corrected. A March 2014 inspection found litter and found that public transportation schedules were not posted. These violations were immediately resolved. Although the applicant installed a sign on the property prior to SUP approval and without a sign permit, it submitted an after-the fact sign permit application in May 2014 that was recently approved.

Parking

According to Section 8-200(A)(8), one off-street parking space is required for every four restaurant seats. The applicant is therefore required to provide ten parking spaces. It exceeds the requirement with five spaces located in front of the restaurant and ten located at the Royal Auto Glass parking lot.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, Taylor Run Citizens Association received notification of the SUP request. Staff has not received any comments from residents or adjacent businesses during the noticing period.

Staff Action

Staff views the change of ownership and the minor amendment as reasonable requests. A later closing hour for each night has been requested (Condition 6) and staff believes neighborhood impacts would be unlikely since the business is not located near residences. Otherwise, many of the existing SUP conditions have been carried forward in this case, including Condition 11 regarding the maintenance of the previously constructed parking lot barrier.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: June 16, 2014
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2012-0018

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. **CONDITION AMENDED BY STAFF:** The Special Use Permit shall be granted to the applicant only or to any ~~business or entity~~ corporation in which the applicant has a controlling interest. (P&Z) (~~SUP #2309-C~~) (~~SUP #2012-0012~~)
2. At least one trash container shall be located in the parking area for the use of patrons, the container shall not be permitted to overflow, and the area around it shall be kept clean. (P&Z) (SUP #2309-C)
3. 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. (P&Z) (T&ES) (~~SUP #98-0165~~)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2309-C)
5. Condition deleted. (~~SUP #98-0165~~)
6. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to the following: ~~7 a.m. to 10 p.m.~~ 10 a.m. to 12 midnight, Monday through Thursday; and ~~7 a.m.~~ 9 a.m. to 12 midnight Friday ~~and Saturday~~, and ~~10 a.m. to 8:00 p.m.~~ through Sunday. (~~City Council~~) (~~SUP #94-0333~~) (~~SUP #2012-0012~~) (P&Z)
7. Seating shall be provided inside for no more than 40 patrons. (P&Z)
8. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2309-C)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2309-C)
10. Condition deleted. (~~SUP #2002-0034~~)
11. **CONDITION AMENDED BY STAFF:** Barriers shall be ~~installed prior to the opening of the business, and shall be thereafter maintained~~, on the east side of the front parking lot to prevent vehicles from falling onto the adjoining property to the satisfaction of the Director of Planning and Zoning. (P&Z) (~~SUP#2000-0029~~) (~~SUP#2012-0012~~)
12. Deleted condition. (~~SUP #94-0333~~)
13. Deleted condition. (~~SUP #94-0333~~)
14. 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 these containers. (P&Z) (SUP #98-0165)
15. No delivery service shall be permitted from the restaurant. (P&Z) (SUP #94-0333)
 16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers. (T&ES) (SUP #94-0333)
 17. 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) (SUP #2012-0012)
 18. On-site alcohol service is permitted; for off- premise sales, the following rules apply: Beer or 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. The off premise beer or wine must be part of a purchase that includes a meal. A meal for this purpose is defined as being the purchase of food in the amount of at least \$6.00. (P&Z) (SUP #2000-0029)
 19. Condition deleted. (~~SUP #95-0212~~)
 20. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Crime Prevention~~ Community Relations Unit of the Alexandria Police Department at 703-746-6388 for a security survey for the business and a robbery awareness program for the employees. (~~Police~~) (~~SUP #98-0165~~) (~~SUP #2012-0012~~) (P&Z)
 21. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #98-0165)
 22. No music or amplified sound shall be audible at the property line. (P&Z) (T&ES) (~~SUP #98-0165~~)
 23. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year from 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 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) (~~SUP #2000-0029~~) (~~SUP #2012-0012~~)

24. **CONDITION AMENDED BY STAFF:** ~~The existing height of the freestanding pylon sign shall be lowered to 15 feet removed within 60 days of SUP approval.~~ New freestanding signage at the site, if any, shall be monument-style signage to the satisfaction of the Director of Planning & Zoning. (P&Z) ~~(SUP #2012-0012)~~
25. The applicant shall submit to the Director of Planning & Zoning on a yearly basis an up-to-date, signed contract which provides at least five off-street parking spaces for the restaurant's use either at the Royal Auto Glass property or an acceptable alternative location within 500 feet of the restaurant to the satisfaction of the Director of Planning & Zoning. (P&Z) (SUP #2012-0012)
26. Meals ordered before the closing hour may be served, 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) (SUP#2002-0034)
27. Loudspeakers shall be prohibited from the exterior of the building. (T&ES) (SUP#2002-0034)
28. 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) (SUP #2012-0012)
29. 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. (T&ES) (SUP #2012-0012)

CITY DEPARTMENT COMMENTS

Legend: C – code requirement R – recommendation S – suggestion F – finding

Transportation & Environmental Services

- R-1 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.
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers.
- R-3 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.
- R-4 No music or amplified sound shall be audible at the property line. (P&Z) **(T&ES)** (SUP #98-0165)
- R-5 Loudspeakers shall be prohibited from the exterior of the building. (T&ES) (SUP#2002-0034)
- R-6 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. (T&ES) (SUP2012-00012)
- C-1 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)
- C-2 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 City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Code Administration

No comments

Fire

- C-1 Depending on total occupant load, (if greater than 49) a fire prevention permit may be required for operation of a restaurant – assembly.

Health

Food Facilities

- 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 or location to another.
- C-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.
- C-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.
- C-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.
- C-5 A Certified Food Manager shall be on-duty during all operating hours.
- C-6 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-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.

Police

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0018. The undersigned also hereby agrees to obtain all applicable licenses and permits required for restaurant at 3250 Duke Street.

Applicant – Signature

Date

Applicant – Printed

Date