

DATE: April 30, 2014

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

FROM: Ann Horowitz, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0025  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Proposed Business Name: Shawarmanji  
Applicant: Shawarmanji, LLC  
Location: 4626 King Street  
Zone: OCM-100/Office Commercial Medium

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### **Request**

Special Use Permit #2014-0025 proposes to change the ownership of a restaurant at 4626 King Street from Five Guys, Inc. to Shawarmanji, LLC by Khalid Eltayib. The applicant requests to reopen the restaurant under the trade name of Shawarmanji.

### **Background**

The subject site is one of four tenant spaces at the Claremont Shopping Center. The space faces North Beauregard Street while the three remaining tenants face King Street. The Five Guys restaurant originally opened without an SUP requirement. A few decades later, the City Council approved SUP#98-0153 in 1999 for an expansion of that grandfathered restaurant. The SUP was amended in 2000 (SUP#99-0154) to remove a condition requiring the restaurant to imprint its name on paper products. Five Guys was reported as closed on September 23, 2013 after a routine inspection.

On December 4, 2013, a Planning and Zoning inspector learned that the applicant was making interior changes to the space without Change of Ownership SUP approval. The applicant ceased work and submitted a Change of Ownership application on March 11, 2014.

Code Administration inspectors identified at least four instances regarding the improper disposal of trash at the commercial center over the last three years during frequent proactive inspections. The property owner typically remedied the issue within a week. Planning and Zoning staff visited the site on April 23, 2014 and discovered that the asphalt parking lot and two standing signs for the commercial center are in extremely poor condition. Litter was found in front of the tenant spaces that face King Street, more than 100 feet away from the applicant's proposed tenant space.

City planned sidewalk and roadway improvements, affecting this site, would address the parking lot conditions and the property owner has been ordered to address litter problems.

**Parking**

Section 8-200(A)(8) of the Zoning Ordinance requires a restaurant to provide one off-street parking space for every four seats. The applicant is required to provide ten spaces for the 40-seat restaurant and these spaces are provided on site.

**Community Outreach**

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Bolling Brook Condominium Unit Owner Association and the Bolling Brook Towers Condominium Association have been informed of the change of ownership request. One resident contacted staff and criticized the unsightly condition of the Claremont Shopping Center.

**Staff Action**

Staff views the change of ownership as a reasonable request and supports the proposal. Nonetheless, staff believes that the substandard condition of the commercial center should be upgraded and has contacted the property owner regarding repairs to the parking lot and the two signs, as well as the timely disposal of trash and litter.

Several conditions have been amended or added to reflect the current language of standard SUP requirements. Conditions 14 and 20 regulate exterior noise. Condition 21 prohibits restaurant delivery service and Condition 19 stipulates vendor delivery hours. Conditions 18 and 22 address employee transportation and require the applicant to inform employees of SUP conditions, respectively.

Staff hereby approves the Special Use Permit request.

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

Date: April 30, 2014  
Action: Approved

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Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2014-0025**

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#98-0153~~)
2. Seating shall be provided for no more than 40 patrons. (P&Z) (SUP#98-0153)
3. Outside dining facilities shall be prohibited (P&Z) (SUP#98-0153)
4. No live entertainment shall be provided at the restaurant. (P&Z) (SUP#98-0153)
5. The hours of operation shall be limited to 11:00 a.m. to 10:00 p.m. daily. Meals ordered before 10:00 p.m. may be served, but no new patrons may be admitted or served after 10:00 p.m, and all patrons must leave by 11:00 p.m. (P&Z) (~~SUP#98-0153~~)
6. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#98-0153)
7. Alcoholic beverages are not permitted (P&Z) (SUP#98-0153)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#98-0153)
9. 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#98-0153)
10. **CONDITION AMENDED BY STAFF:** 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 #98-0153~~)
11. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z) (SUP#98-0153)
12. Condition deleted (P&Z)

13. **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) (~~SUP#98-0153~~)
14. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and ~~No~~ amplified sound shall be audible at the property line. (P&Z) (T&ES) (~~SUP #98-0153~~)
15. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Health Department. (Health) (T&ES) (~~SUP#98-0153~~)
16. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Crime Prevention~~ Community Relations Unit of the Alexandria Police Department at 703-746-6838 for a security survey for the business and a robbery awareness program for all employees. (~~Police~~) (~~SUP#98-0153~~)-(P&Z)
17. **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 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#98-0153~~)
18. **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. (T&ES)
19. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 pm and 7 am. (T&ES)
20. **CONDITION ADDED BY STAFF:** 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 at 55dBA. No amplified sound equipment is allowed on the outside of the premise. (T&ES)
21. **CONDITION ADDED BY STAFF:** No delivery of food or beverages to customers shall be offered from the restaurant. (P&Z)

22. **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)

## CITY DEPARTMENT COMMENTS

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

### Transportation & Environmental Services:

- 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 at 55dBA. No amplified sound equipment is allowed on the outside of the premise. (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](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)

### Code Administration:

No comments received

### Fire Department:

- C-1 Depending on the occupant load (if great than 49), a fire prevention permits may be required for operation of this facility – assembly.

The information provided appears to support that no permit will be required but until final occupant load is determined, final determination will be withheld.

### 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.

Parks and Recreation:

No comments received

Police Department:

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0025. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 4626 King Street.

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Applicant – Signature

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Date

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Applicant – Printed

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Date