

DATE: March 22, 2016

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

FROM: Sara Brandt-Vorel, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2016-0012  
Administrative Review for Minor Amendment  
Site Use: Restaurant  
Applicant: PTO BBQ, LLC by Michael Anderson  
t/a Sweet Fire Donna's  
Location: 510 John Carlyle Street  
(Parcel Address: 520 John Carlyle Street)  
Zone: CDD #1 / Coordinated Development District #1

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**Request**

Special Use Permit #2016-0012 is a Minor Amendment request to allow the sale of on-premises liquor, in addition to the previously approved on-premises beer and wine sales at Sweet Fire Donna's restaurant, located at 510 John Carlyle Street. The applicant proposes to continue operating as a fast-casual barbeque restaurant, previously approved under SUP #2013-0032 and is not proposing any other changes to the use.

**Background**

The applicant's restaurant is located in Carlyle, an area of the City developed under a Master Plan first approved by SUP in 1990 and amended several times over the years. In 2001, staff administratively approved DSP#2001-0033 for the construction Carlyle Block L, the site of the applicant's subject restaurant. City Council approved SUP #2006-0098 in January 2007 for a fast-casual restaurant use at the location, commonly known as a Jerry's Subs and Pizza, the restaurant closed in March 2013. In June 2013, staff administratively approved SUP #2013-0032 for the operation of a fast-casual restaurant specializing in barbeque style cooking and operating under the trade name, Sweet Fire Donna's.

Between May and November of 2015 the City received three complaints regarding late-night noise outside the restaurant after the closing hour of 12, midnight. Zoning inspectors informed the restaurant manager of the SUP violation and staff also spoke to the applicant in regards to the noise complaints. To address noise concerns, the applicant has posted signs around the restaurant and patio seating reminding patrons to be respectful of their noise levels as they were in a residential area. Staff has not received additional noise complaints since that time.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff also informed the Carlyle-Eisenhower Civic Association and the Royalton Condominium Association about the current application. Staff received no public comments.

**Staff Action**

Staff supports the applicant's minor amendment request to allow the on-premises sale of alcohol. Condition 7 has been amended, accordingly. This request is consistent with modern day approvals for on-premises alcohol sales. To ensure the outdoor patio does not encourage late-night gathering and generate loud noise disruptive to neighbors, staff has amended Condition 2 to clarify that the outdoor seating must be closed and cleaned by midnight. In addition, staff has added Condition 32 to ensure the applicant's signage, reminding patrons to be respectful of their noise levels, stays in use. Condition 20 was deleted and replaced with language relating to public transportation through Condition 31. All other Conditions, such as those related to hours of operation, litter, design guidelines, and transportation were carried forward.

Staff hereby approves the Special Use Permit request.

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

Date: March 22, 2016  
Action: Approved



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Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2016-0012**

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#2006-0098)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than 51 indoor patrons and 20 outdoor patrons. Outdoor seating is subject to the following:
  - (a) Outdoor seating shall not encroach upon the City right-of-way or the public sidewalk access easement area.
  - ~~(b) The outside dining area shall be cleaned at the close of each day of operation.~~
  - (c) The outside dining area shall be cleaned at the close of each day of operation.
  - (d) Any outdoor seating areas, including umbrellas, shall not include advertising signage.
  - (e) Outdoor dining shall be cleared of all diners by and the area shall be cleaned and washed by 12:00 a.m., daily. (P&Z) (SUP#2013-0032)
3. The design of the restaurant shall reflect the character, quality and high standards established for Carlyle. The applicant shall prepare a design plan for both interior and exterior areas, to include interior finishes, colors, materials, furniture, lighting and specifications, which shall be to the satisfaction of the Director of Planning and Zoning, and which shall include the following elements:
  - (a) All tables and chairs shall be constructed of wood material or alternative high-quality material to the satisfaction of the Director.
  - (b) Fluorescent lighting shall be prohibited in the dining area. Lighting in this area shall be kept at low levels to create a warm, attractive ambiance.
  - (c) Any self-service beverage machine shall be located so that it is minimally visible from the exterior of the restaurant.
  - (d) Interior signage shall be minimized.
  - (e) Menu boards shall be plain, with no internal lighting or pictures of food.
  - (f) The outdoor dining area shall include planters with four seasons of decorative plant material. (P&Z) (SUP#2013-0032)
4. No live entertainment shall be provided at the restaurant. Sound amplification within the restaurant shall be limited to low-level background music for restaurant patrons. (P&Z) (SUP#2013-0032)
5. The hours of operation shall be limited to 7 a.m. to 12 midnight daily. Meals ordered before 12 midnight may be served, but no new patrons may be admitted and no alcoholic beverages may be served after 12 midnight, and all patrons must leave by 1 a.m. (P&Z) (SUP#2013-0032)

6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2006-0098)
7. **CONDITION AMENDED BY STAFF:** On-premises ~~beer and wine~~ alcohol service is permitted; no off-premise sales are permitted. (P&Z) (~~SUP#2006-0098~~)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2006-0098)
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 and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP#2006-0098)
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#2006-0098~~)
11. Window signs or posters shall not block the visibility of the interior of the store from the street. Shelving, boxes, coat racks, storage bins, closets, and similar items shall be located where they do not block the windows. All window coverings shall remain open as much as possible and some interior accent lighting shall be provided when the business is closed. The front of the business may not be illuminated by flood lights placed on the sidewalk, trees or poles. (P&Z) (SUP#2006-0098)
12. **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#2006-0098~~)
13. 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 and Environmental Services. (T&ES) (SUP#2006-0098)
14. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2006-0098)
15. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and a robbery awareness program for all employees prior to operation. (Police) (SUP#2013-0032)
16. Condition deleted by Staff and replaced with Condition #5. (SUP#2013-0032)
17. 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#2006-0098)
18. The applicant shall require that employees who drive to work use off-street parking. (P&Z) (T&ES) (SUP#2006-0098)
  19. The applicant shall post signs directing patrons to the availability of parking in area garages. (P&Z) (SUP#2006-0098)
  20. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #31:** ~~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#2006-0098)
  21. Any permanent structures which are required for the outdoor seating area shall be subject to review and approval by the Carlyle Design Review Board. (P&Z) (SUP#2006-0098)
  22. Condition deleted by Staff. (SUP#2013-0032)
  23. Condition deleted by Staff. (SUP#2013-0032)
  24. Condition deleted by Staff and replaced with #2c. (SUP#2013-0032)
  25. **CONDITION AMNEDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit ~~one year after approval~~ 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 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#2013-0032)
  26. No delivery service of food to customers shall operate from the restaurant. (P&Z) (SUP#2013-0032)
  27. No smoking shall be allowed in front of the restaurant or in any outdoor dining area. (P&Z) (SUP#2013-0032)
  28. The applicant shall use natural gas as the primary fuel in the barbecue cooker. (T&ES) (SUP#2013-0032)
  29. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations.

(T&ES) (SUP#2013-0032)

30. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2013-0032)
31. **CONDITION ADDED BY STAFF: The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)**
32. **CONDITION ADDED BY STAFF: The applicant shall post signage, both indoors and along the outdoor patio, requesting that patrons maintain a respectful volume. (P&Z)**

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

**Previous Conditions:**

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#2006-0098)
12. **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#2006-0098)
13. 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 and Environmental Services. (T&ES) (SUP#2006-0098)
14. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2006-0098)
18. The applicant shall require that employees who drive to work use off-street parking. (P&Z) (T&ES) (SUP#2006-0098)
19. The applicant shall post signs directing patrons to the availability of parking in area garages. (P&Z) (SUP#2006-0098)
- ~~20. **CONDITION DELETED 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) (SUP#2006-0098)~~
28. The applicant shall use natural gas as the primary fuel in the barbecue cooker. (T&ES) (SUP2013-00032)
29. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP2013-00032)
30. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2013-00032)

**New Conditions:**

- R-1 The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)

**City Code Requirements:**

- 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](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)

**Fire Department:**

- F-1 A fire prevention permit may be required for this use and occupancy condition, assembly and depending on the amount of alcohol store on site, flammable and combustible liquids. Contact the fire marshal's office to discuss. 703-746-5227.

**Health Department:**

- 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, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and 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 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety 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 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Code Administration

No comments received.

Recreation, Parks, and Cultural Activities

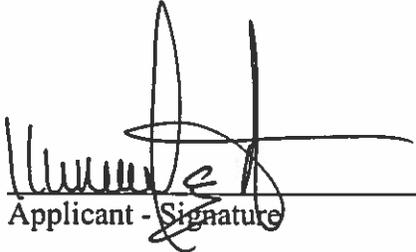
No comments received.

Police Department:

No comments received.

STATEMENT OF CONSENT

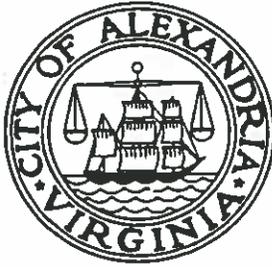
The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0012. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 510 John Carlyle Street.

  
\_\_\_\_\_  
Applicant - Signature

3-22-16  
Date

MICHAEL ANDERSON  
\_\_\_\_\_  
Applicant - Printed

\_\_\_\_\_  
Date



*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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## **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 #2016-0012  
Approved by Planning and Zoning: March 22, 2016  
Permission is hereby granted to: PTO BBQ, LLC  
to use the premises located at: 510 John Carlyle Street  
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.

3/22/16  
Date

  
KARL MORITZ/AD  
Karl Moritz, Director  
Department of Planning and Zoning