

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 #2016-0059

Approved by Planning and Zoning: October 13, 2016

Permission is hereby granted to: Elleni Anawet

To use the premises located at: 8 – 10 S. Jordan 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.

10/13/16

Date

KARL MORITZ/AD

Karl Moritz, Director

Department of Planning and Zoning

DATE: October 13, 2016

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

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

SUBJECT: Special Use Permit #2016-0059
Administrative Review for a New Use
Site Use: Restaurant
Applicant: Elleni Anawet
Location: 8 - 10 S. Jordan Street
Zone: CL/Commercial Low

Request

Special Use Permit #2016-0059 is a request to operate a new restaurant of approximately 1,100 square feet at 8-10 S. Jordan Street. The proposed restaurant would be integrated with the applicant's existing grocery store, known as Loza Grocery Market, which is currently operating at 10 S. Jordan Street. The applicant proposes to connect the two adjacent retail spaces through an internal doorway, while maintaining the separate exterior entrances to each storefront. The proposed restaurant's kitchen would be located in the existing grocery area and restaurant patrons could order food from within the grocery store. The grocery store and restaurant will also share restroom facilities, an office area, and storage. Operations of the grocery store were approved in a market letter with the City and the applicant dated November 19, 2010. As the proposed restaurant use would be the dominant use at the site, the existing grocery store would become an accessory use.

The applicant's proposed restaurant, offering custom-made Ethiopian foods, including stews and stir-fry dishes would enhance the existing grocery store which offers a range of grocery items and specialty Ethiopian breads and spices. Dishes ordered at the restaurant, from a counter located within the existing grocery store, could be consumed on-site at one of the 15 seats or carried-out. The applicant proposes daily hours of 7 a.m. to 11 p.m. and does not propose live entertainment or delivery from their restaurant. The applicant proposes the on-premises sale of beer and wine as a component of the restaurant operations to be consumed in conjunction with the sale of food.

Elements of the restaurant proposal include:

Proposed Hours of Operation: 7 a.m. – 11 p.m., daily.

Proposed Seating: 15 indoor seats.

Type of Service: Dine in and carry-out.

<u>Delivery:</u>	No delivery proposed.
<u>Alcohol:</u>	On-premises alcohol sales proposed.
<u>Live Entertainment:</u>	No live entertainment proposed.
<u>Employees per Shift:</u>	3 employees per shift.
<u>Noise:</u>	Minimal noise is expected.
<u>Odors:</u>	Minimal odors from a restaurant use are addressed through proper ventilation.
<u>Trash/Litter:</u>	All trash receptacles will be emptied into dumpsters located on site.

Background

The proposed restaurant is located on an irregularly shaped parcel with approximately 300 feet of frontage along South Jordan Street and 40 feet of frontage along Duke Street and an approximate parcel area of 21,700 square feet. The parcel is developed with a single-story building with a surface parking lot of 24 parking spaces.

The structure was constructed in two phases. The first phase, the portion of the building located closest to Duke Street and currently addressed as 2 S. Jordan Street, was constructed in approximately 1961 and has been continuously operated since then as a 7-Eleven Convenience Store. City Council approved SUP#2005-0005 in April 2005 to grant the continuation of a noncomplying convenience store. The second portion of the structure, was constructed in approximately 1969 as an enlargement of the 7-Eleven Store, but has since been subdivided into separate storefronts from the convenience store. The storefronts have hosted a number of by-right personal service and retail uses, in addition to a carry-out restaurant, first approved by City Council in April 1993 under SUP #2673 for the address of 6 S. Jordan Street and subsequently approved for changes of ownership by staff to the most recent SUP #2012-0080 in January 2013. The applicant was previously approved for a grocery store in November 2010 for the storefront addressed as 10 S. Jordan Street.

Parking

Section 8-200(A)(8) of the Zoning Ordinance requires one off-street parking space for every four restaurant seats. With a proposed total of 15 seats, the applicant would be required to provide four off-street parking spaces for restaurant patrons. The parking requirement for the previous retail use was four spaces; the proposed restaurant would satisfy its parking requirement with the use of these spaces.

In addition to the restaurant parking, the applicant's grocery store is required to provide four off-street parking spaces according to Section 8-200(A)(16).

Section 8-200(F) of the zoning ordinance waives the parking requirement for buildings constructed prior to 1963, as the 7-Eleven was constructed in approximately 1961 and remained in continuous operation, the convenience store is not required to provide off-street parking. As such, the applicant's required eight parking spaces can be provided within the existing 24 space parking lot.

Zoning/Master Plan Designation

The subject site is located in the Seminary Hill Small Area Plan and indicates the land will remain commercially zoned to support commercial and retail uses for adjacent residential development. In 1992, the land was rezoned from C/Commercial to CL/Commercial Low to reflect the auto-oriented commercial uses and its proximity to Duke Street.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Wakefield Tarleton Civic Association was informed of the new restaurant application. Staff received one public comment in regards to the availability of parking for restaurant patrons in the existing surface parking lot. Staff explained that the parking requirements for the proposed restaurant are the same as the previous retail use.

Staff Action

Staff finds the applicant's request to expand her current grocery store to include a new restaurant to be a reasonable request. As the applicant has shown the ability to successfully manage a grocery store, expansion will enable the applicant to diversify her offerings to the community and to provide an additional restaurant option to the surrounding neighborhood. In recognition of neighborhood concerns over parking, staff has included several conditions to address parking on site. Specifically, Condition #3 limits the restaurant to seating for 15 patrons to ensure the required parking can be met within the existing parking on-site. In addition, Condition #4 prohibits outdoor dining to ensure additional seats are not added which could increase demand for parking. Staff also included Condition #5 to prevent the use of delivery vehicles which would require off-street parking spaces. Standard parking related conditions to encourage alternative forms of transportation and reduce vehicular use were included as Condition #11 which requires the applicant to contact Local Motion to learn about employee transportation benefits and Condition #12 which requires the applicant to post information on alternative forms of transportation that could be used to reach the restaurant. Condition #22 requires employees to park off-street which should alleviate concerns over employees parking in the nearby residential neighborhood.

To ensure restaurant operations do not become a nuisance to nearby residential uses, staff has included standard conditions to regulate activity on site such as Condition #9 which prohibits to storage of any food or material outdoors and Condition #16 which requires all trash to be securely stored. The control of odors, smoke, and any air pollution was included in Condition #18 to prevent cooking odors from impacting the area and noise is addressed in Conditions #20

to prevent deliveries from occurring late at night and early in the morning and in Condition #21 which prohibits outdoor speakers. Should the applicant choose to cease restaurant operations in the future and revert back to a grocery store, staff included Condition #24 requiring the applicant to seek a new market letter to govern the operations of the grocery store.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: October 13, 2016
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 #2016-00059

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)
2. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
3. Seating shall be provided for no more than 15 patrons. (P&Z)
4. No outside dining facilities shall be located on the premises. (P&Z)
5. Delivery of food to customers may not operate from the restaurant. (P&Z)
6. The hours of operation of the restaurant shall be limited to between 7 a.m. and 11 p.m., daily. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)
7. On-premises alcohol service is permitted. Off-premises alcohol is not permitted. (P&Z)
8. No live entertainment shall be provided at the restaurant. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. 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)
11. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact the Local Motion at localmotion@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
12. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Local Motion at localmotion@alexandriava.gov for more information about available resources. (T&ES)
13. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

14. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
15. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung, (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rain water from falling on it. (T&ES)
16. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
17. 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)
18. The applicant shall control 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)
19. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
20. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
21. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)
22. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
23. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
24. Should the restaurant cease operations and revert back to a grocery store, the applicant shall work with city staff to obtain a new market letter to govern operations of the grocery store. (P&Z)

25. 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)

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact the Local Motion at localmotion@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-2 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Local Motion at localmotion@alexandriava.gov for more information about available resources. (T&ES)
- R-3 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-4 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-5 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung, (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rain water from falling on it. (T&ES)
- R-6 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-7 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)
- R-8 The applicant shall control 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)

- R-9 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-10 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-11 The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)
- R-12 The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
- R-13 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
- C-1 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)
- C-2 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-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Fire Department:

- F-1 If occupant load remains under 50 as proposed, no comments or concerns as this occupancy will be classified as a B use.

Code Enforcement:

No comments received.

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.

Recreation, Parks and Cultural Activities:

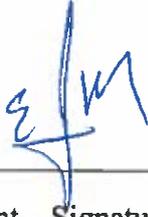
No comments received.

Police Department:

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-00059. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 10 S. Jordan Street.



Applicant - Signature

10/14/16

Date

Elleni AWAWE

Applicant - Printed

10/14/16

Date