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	#2016-0078
Approved by Planning and Zoning:	December 2, 2016
Permission is hereby granted to:	Tserendolgor Batjargal
To use the premises located at:	222 N. Lee 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.

12/2/16
Date

Karl Moritz
Karl Moritz, Director
Department of Planning and Zoning

DATE: December 2, 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 #2016-0078
Administrative Review for Change of Ownership

Site Use:	Restaurant
Applicant:	Tserendolgor Batjargal
Location:	222 N. Lee Street
Zone:	CD/Commercial Downtown

Request

Special Use Permit #2016-0078 is a request to change ownership of an existing restaurant, known as Jack's Place, from Jack R. Davis to Tserendolgor Batjargal. No changes to restaurant operations are proposed and the applicant will continue operating a dine-in restaurant of approximately 15 seats and offer a menu of breakfast items, sandwiches, salads and beverages such as soda, coffee and tea. The applicant proposes to maintain the previously approved hours of operation of 7 a.m. to 11 p.m., daily.

Background

The subject site building was constructed in 1990 and contains approximately 2,500 square feet that has been subdivided into three to four ground-floor tenant spaces over the years. The property currently contains four tenants, including the restaurant use for this application, a retail use, and two personal service uses. A restaurant use was first approved at 222 N Lee Street by City Council in May 1982 through SUP #1461 for a carry-out restaurant with no seats and daily hours of 7 a.m. to 3 p.m. An amendment was approved by City Council through SUP #1461A in November 1983 which approved 15 indoor seats and increased the hours of operations to 7 a.m. – 11 p.m., daily. In December 1983, City Council approved a change of ownership from Oscar Klotter to the Lee Street Beef Company through SUP #1617 and staff administratively approved a second change of ownership in May 1996 from Lee Street Beef Company to Jack R. Davis through SUP #96-0071. As part of a routine inspection, staff inspected the restaurant in November 2016 and the restaurant was in compliance with all SUP conditions.

Parking

The applicant's restaurant is located in the Central Business District and Section 8-300(B) of the Zoning Ordinance waives the parking requirements for a restaurant use within the District. As such, the applicant is not required to provide any off-street parking and meets their parking requirement.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Association, the Old Town Business and Professional Association and the Founders Park Community Association were sent an e-mail with information about the current application. Staff did not receive any comments in regards to the change of ownership request.

The applicant had previously requested an administrative change of ownership and the addition of on-premises alcohol sales. The applicant's request to add on-premises alcohol sales received opposition from the community. Although the applicant could have proceeded to a docketed review by Planning Commission and City Council for on-premises alcohol sales, the applicant chose to withdraw the request in order to continue with the administrative change of ownership request.

Staff Action

Staff supports the change of ownership request and finds the continued operation of a restaurant use at this location to be a positive amenity to the community and consistent with the subject site's zoning. Staff has carried forward the previous conditions and added standard restaurant conditions, such as Condition #8 requiring the applicant to post their hours of operation; Condition #10 requiring employees to park off-street; and Condition #24 requiring the applicant to provide all employees with information on the Special Use Permit and its conditions.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: December 2, 2016
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2016-0078

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 or to any corporation in which the applicant has a controlling interest only. (P&CD) (SUP #1617)

2. Seating shall be provided inside for no more than 15 patrons. (P&CD) (SUP #1617)

3. No outside dining facilities shall be located on the premises. (P&CD) (SUP #1617)

4. The hours during which the business is opened to the public shall be restricted to between 7:00 AM and 11:00 PM daily. (P&CD) (SUP #1617)

5. No food, beverages, or other material shall be stored outside. (P&CD) (SUP #1617)

6. Trash and garbage shall be stored inside or in a dumpster. (P&CD) (SUP #1617)

7. Trash and garbage shall be collected daily when the business is opened. (P&CD) (SUP #1617)

8. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)

9. **CONDITION ADDED BY STAFF:** No live entertainment shall be provided at the restaurant. (P&Z)

10. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (T&ES)

11. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)

12. **CONDITION ADDED BY STAFF:** The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES)

13. **CONDITION ADDED BY STAFF:** 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 Go Alex at goalex@alexandriava.gov or more information about available resources. (T&ES)

14. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

15. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

16. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)

17. **CONDITION ADDED BY STAFF:** 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)

18. **CONDITION ADDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)

19. **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. (T&ES)

20. **CONDITION ADDED BY STAFF:** 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)

21. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

22. **CONDITION ADDED BY STAFF:** The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

23. **CONDITION ADDED 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 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. **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)

25. **CONDITION ADDED BY STAFF:** The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)

26. **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 #2016-0078. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant use at 222 N. Lee Street.

Applicant - Signature

12/7/2016
Date

Tsezendolgor - Batjargal
Applicant – Printed

12/7/2016
Date