



DATE: March 31, 2017

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

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

SUBJECT: Special Use Permit #2017-0010  
Administrative Special Use Permit for Change of Ownership  
Site Use: Restaurant  
Business Name: Hebir Exotic Ethiopian Restaurant  
Applicant: Eneye Yigzaw & Kenubish Wodem  
Location: 410 East Glebe Road  
Zone: CSL/Commercial Service Low

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**Request**

Special Use Permit #2017-0010 is an administrative request to change the ownership of an existing restaurant known as Hebir Exotic Ethiopian Restaurant from an ownership partnership between Betelhem Lando, Eneye Yigzaw, and Kenubish Wodem to an ownership partnership between Eneye Yigzaw and Kenubish Wodem. No other changes to the operation are proposed and the applicants will continue operating the approximately 2,000 square foot restaurant located at 410 East Glebe Road. The restaurant, with 55 indoor seats, offers traditional Ethiopian cuisine and serves breakfast, lunch, and dinner. The applicant would maintain their daily hours of operation of 6 a.m. to 12 a.m., on-premises alcohol sales, and staffing levels of up to seven employees per shift. Live entertainment and delivery service is not proposed from the restaurant.

**Background**

The subject site was historically used as a grandfathered truck storage and repair business until the late 1990s. Between 1997 and 2005 the city received several SUP applications for automobile related businesses, however all were either withdrawn, deferred, or denied which resulted in a period of long-term vacancy at the subject site. In 2012 the property owner explored the idea of expanding the warehouse space for retail use through DSUP #2012-0025 but ultimately did not pursue the idea. In May 2014, the adjacent commercial space at 408 East Glebe Road became a dry cleaning business.

In December 2014, City Council approved SUP #2014-0075 for a convenience store at the subject site, however the business never opened. As a result of the SUP process, a number of conditions regarding traffic flow, deliveries, directional signage and dumpster location were developed for a commercial use at the site.

In July 2015, staff administratively approved the applicant's restaurant use through SUP #2015-0061 allowing a full-service restaurant with 55 indoor seats and carried forward many of the SUP conditions regulating traffic flow, deliveries and signage established through SUP #2014-0075. On June 9, 2016 staff conducted an inspection of the subject restaurant and noted

violations of SUP conditions #11 a, b, and c (related to signage and parking lot improvements), #13 (signage) and the use of a flashing sign in violation of the city's Zoning Ordinance. The applicant was issued a warning ticket and given a month to address the violations. At a follow up inspection on July 19, 2016 the restaurant had yet to address Conditions #11 a, b and #13 and a ticket with a monetary fine was issued by staff. Staff continued to work with the restaurant through November 2016 to ensure all conditions were met and the restaurant could be deemed in compliance.

### **Zoning**

As part of the Oakville Triangle/Route 1 Plan the subject site was rezoned by City Council in January 2016 through Text Amendment TA #2015-0006. However, the underlying zoning of the subject site, Commercial Service Low (CSL), permits a restaurant use through an administrative special use permit and all change of ownership requests can be administratively reviewed.

The Oakville Triangle/Route 1 Plan identifies the subject site as location for redevelopment within the next 20 years and proposes a mixed-use building with office or residential uses located above ground floor retail or commercial uses. The subject site is also identified as a visually prominent location within the corridor and the future site of a gateway element to promote the corridor.

### **Community Outreach**

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Lynhaven Arlandria Citizen's Association and the Del Ray Citizens Association were notified. Staff has not received any comments from residents or adjacent businesses.

### **Parking**

According to Section 8-200(A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. With 55 restaurant seats the applicants are required to provide 14 off-street parking spaces which can be found in the 22 space parking lot associated with the restaurant. An adjacent drycleaner shares the parking lot and requires five spaces, leaving three available parking spaces in the parking lot.

### **Staff Action**

Staff finds the change of ownership request to be reasonable. Although there have been violations in the past, the applicants have worked with staff to bring the restaurant into compliance. Furthermore, the proposed redevelopment of the subject site could limit the site's desirability for a new use in the short-term and the ongoing use of the subject site as a restaurant is more desirable than a vacant building.

Staff has carried forward all previous special use permit conditions. Staff hereby approves the Special Use Permit request.

**CONDITIONS OF SPECIAL USE PERMIT #2017-0010**

The 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 by the Director 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 #2015-0061)
2. The hours of operation shall be limited to between 6 a.m. to 12 a.m., daily. Orders placed before 12 a.m. may be served, but no new patrons may be admitted and all patrons must leave by 1 a.m. (P&Z) (SUP #2015-0061)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2015-0061)
4. The maximum number of indoor seats shall be 55. Outdoor seats are not permitted. (P&Z) (SUP #2015-0061)
5. No delivery of food to customers may operate from the restaurant. (P&Z) (SUP #2015-0061)
6. Live entertainment shall not be permitted at the restaurant. (P&Z) (SUP #2015-0061)
7. No delivery vehicles or delivery service shall operate from the restaurant. (P&Z) (SUP #2015-0061)
8. On-premises alcohol service shall be permitted, consistent with a valid Virginia ABC license. Off-premises alcohol sales are not permitted. (P&Z) (SUP #2015-0061)
9. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2015-0061)
10. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2015-0061)
11. The applicant shall implement the following improvements as illustrated on the proposed site plan before the opening of the business to the satisfaction of the Director of Planning and Zoning: (P&Z) (T&ES) (SUP #2015-0061)
  - a. Pavement markings and signage shall be installed to ensure that customers enter at the north curb cut and exit at the south curb cut from Jefferson Davis Highway.
  - b. "Do Not Enter: Authorized Vehicles Only" sign, and "Do Not Enter" pavement markings for the vehicles attempting to enter the alley located at the west of the proposed site shall be installed. A speed bump shall be also installed at this location to deter traffic from exiting onto East Glebe Road.

- c. The dumpster shall be placed along the fence to the northwest of the applicant's tenant space and shall be screened.
  - d. Supply delivery vehicles shall park in the designated parking space along the fence to the northwest of the applicant's tenant space.
  - e. All signage must receive sign permit approval prior to installation.
12. The East Glebe Road building entrance shall be closed to public and used only as an emergency exit. (P&Z) (SUP #2015-0061)
  13. Vehicles shall not park nor shall any supply deliveries occur on the south side of the property between the building and East Glebe Road. A "No Parking" sign shall be installed on the East Glebe Road side of the building. (P&Z) (SUP #2015-0061)
  14. 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 to prevent the underage sale of alcohol. (P&Z) (SUP #2015-0061)
  15. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES) (SUP #2015-0061)
  16. The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (T&ES) (SUP #2015-0061)
  17. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP #2015-0061)
  18. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director. (T&ES) (SUP #2015-0061)
  19. 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) (SUP #2015-0061)
  20. 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) (SUP #2015-0061)

21. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (T&ES) (SUP #2015-0061)
22. Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m. (T&ES)
23. 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) (SUP #2015-0061)
24. 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 #2015-0061)
25. The Special Use Permit shall be reviewed by the Director of Planning & Zoning, with notice to the community, five years from the date of approval (July 14, 2020), in order to assess the redevelopment potential of the site and the compatibility of the use with other uses in the area. If the Director determines the use to be incompatible with surrounding uses or anticipated redevelopment, the Director shall docket the Special Use Permit for Planning Commission and City Council to take such action as they deem appropriate at the time. Notwithstanding the staff review, City Council shall review the Special Use Permit, ten years from the date of approval (July 14, 2025), in order to assess the redevelopment potential of the site and the compatibility of the use with other uses in the area to take such action as they deem appropriate at the time. (P&Z) (SUP #2015-0061)
26. **CONDITION AMENDED 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) (~~SUP #2015-0061~~)

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

Date: March 31, 2017  
Action: Approved

  
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Alex Dambach, Division Chief

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

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0010. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant use at 410 East Glebe Road.

Eneye Zigraw  
Applicant - Signature

05/30/2017  
Date

ENEYE ZIGRAW  
Applicant - Printed

05/30/2017  
Date