



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 SUP #2017-0110

Approved by Planning and Zoning: November 20, 2017

Permission is hereby granted to: Heregewine Messert

to use the premises located at: 5245 Duke 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.

November 20, 2017
Date

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

DATE: November 20, 2017

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

FROM: Madeleine Sims, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2017-0110
Administrative Review for a Change of Ownership and Minor Amendment
Site Use: Restaurant
Applicant: Haregewine Messert
Location: 5245 Duke Street
Zone: OCM (50) / Office Commercial Medium

Request

Special Use Permit #2017-0110 is a request for a change of ownership and minor amendment of a restaurant. The proposal includes changing ownership of the restaurant from Yamrot Ayalew to Heregewine Messert. In addition minor amendments to the restaurant operation are proposed. The hours are proposed to be 5 a.m. to 12 a.m., daily in lieu of the previously approved 5 a.m. to 10 p.m., daily hours. The applicant proposes on increasing seating from 20 indoor seats to 28, adding 20 outdoor seats and including alcohol sales. The 1,200-square foot tenant space is part of a multi-tenant office and retail building. The tenant space is in a one-story retail area, that fronts Duke Street, immediately to the rear of the retail shopping is a multi-story office building. The other retail tenants immediately neighboring the subject space are a dry cleaner, a restaurant, a tailor and a hair salon. The site is surrounded by a 185-space parking lot. The business would operate under the name Chez Hareg Café.

Parking

According to Section 8-200 of the Zoning Ordinance, restaurants are required to provide one parking space for every four restaurant seats. Section 11-513(M) excludes the first 20 outdoor dining seats from this requirement. Therefore the restaurant is required to provide seven parking spaces. The applicant satisfies this requirement by providing parking in the 185 space, shared parking lot.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Brookville-Seminary Valley Civic Association and Cameron Station Civic Association were sent an email notification of the application. Staff has not received any comments regarding the SUP proposal.

Staff Action

Staff finds the request for a change in ownership and minor amendment to be reasonable. The continuation and expansion of a restaurant at this location would be a beneficial service to residents and workers in the nearby area, as well as provide a respite from Duke Street traffic to motorists. The addition of alcohol sales is reasonable and consistent with many restaurants. Staff does not anticipate any intensification of existing impacts due to the hours increase. The increase in hours is consistent with administrative standards and the prevailing neighborhood restaurant hours. Shooter McGee's, a restaurant located in a neighboring tenant space has operating hours from 11 a.m. to 2 a.m., the neighboring McDonalds has a 2:30 a.m. closing hour, and a Pizza Hut has a 12 a.m. closing hour on Friday and Saturday. The addition of outdoor dining would activate an unused pedestrian plaza at the rear of the tenant space. Staff does not anticipate the 20-seat outdoor dining area to generate impacts in this location where it is tucked between the office building and retail tenants. In addition, the restaurant is separated from nearby residences by landscape buffers, Duke Street (a major arterial road), and an expansive parking lot.

Conditions #2 and #3 have been amended by staff for the hours increase, and increase seating respectively. Conditions #5, #8, #10, #18, #19, and #22 have been amended to reflect current language. Condition # 16 was deleted and replaced with the updated Condition #10 to control odors and trash. Staff added Conditions #24, #25, and #26 which relate to exterior power washing, storage of chemicals, and cooking oil storage. Staff finally added Conditions #27 which relate to outdoor dining operations.

Staff hereby approves this SUP.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: November 20, 2017
Action: Approve



Alex Dambach, Land Use Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2017-0110

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 #2015-0068)
2. **CONDITION AMENDED BY STAFF:** The indoor hours of operation shall be limited to between 5 a.m. and ~~10 p.m.~~ 12 a.m., daily. Orders placed before ~~10 p.m.~~ 12 a.m., may be served, but no new patrons may be admitted and all patrons must leave by ~~11 p.m.~~ 1 a.m. (P&Z) (SUP #2015-0068)
3. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats shall be ~~20- 28.~~ The maximum number of outdoor seats shall be 20. (P&Z) (SUP #2015-0068)
4. Live entertainment shall not be permitted at the restaurant. (P&Z) (SUP #2015-0068)
5. **CONDITION AMENDED BY STAFF:** On-premises alcohol sales are service shall not be permitted. (P&Z) (SUP #2015-0068)
6. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2015-0068)
7. No delivery vehicles or delivery service shall operate from the restaurant. (P&Z) (T&ES) (SUP #2015-0068)
8. **CONDITION AMENDED 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 and on how to prevent underage sales of alcohol, ~~to prevent the underage sale of alcohol.~~ (P&Z) (SUP #2015-0068)
9. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2015-0068)
10. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or placed in sealed containers that which do not allow odors to escape, invasion by animals, or leaking. ~~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. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP #2015-0068)
11. 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 #2015-0068)

12. 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 #2015-0068)
13. At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (T&ES) (SUP #2015-0068)
14. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP #2015-0068)
15. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (T &ES) (SUP #2015-0068)
16. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION 10:** ~~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 these containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.~~ (T&ES) (SUP #2015-0068)
17. 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 #2015-0068)
18. **CONDITION AMENDED BY STAFF:** ~~The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. All loudspeakers shall be prohibited from the exterior of the building; no amplified sound shall be audible at the property line.~~ (T &ES) (SUP #2015-0068)
19. **CONDITION AMENDED BY STAFF:** ~~The applicant shall control cooking odors, and smoke and any other air pollution from operations at the site and prevent them from leaving the property or 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 #2015-0068)
20. Deliveries to the business are prohibited between 11:00 p.m. and 7:00a.m. (T&ES) (SUP #2015-0068)
21. 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 #2015-0068)

22. **CONDITION AMENDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners), shall be disposed of in accord accordance with all local, state and federal ordinances or regulations. (T&ES) (~~SUP #2015-0068~~)
23. **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 #2015-0068~~)
24. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
25. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
26. **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)
27. **CONDITION ADDED BY STAFF:** The hours of operation for the outdoor dining area shall be limited to between 6 a.m. and 12 a.m. daily. The outdoor dining area shall be closed and cleared of all customers by 12 a.m. daily and shall be cleaned and washed at the close of each business day that it is in use. (P&Z)
28. **CONDITION ADDED BY STAFF:** Outdoor dining, including all its components such as planters and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Condition 7: No delivery vehicles or delivery service shall operate from the restaurant. (P&Z) (T&ES) (SUP#2015-00068)
- R-2 Condition 10: **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or placed in sealed containers that which do not allow odors to escape, invasion by animals, or leaking, 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. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-3 Condition 11: 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#2015-00068)
- R-4 Condition 12: 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#2015-00068)
- R-5 Condition 13: At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such SUP20 15-0068. 5245 Duke Street as a shared parking program or the Park Alexandria program, the applicant shall participate in the program. (T&ES) (SUP#2015-00068)
- R-6 Condition 14: The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP#2015-00068)
- R-7 Condition 15: The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (T&ES) (SUP#2015-00068)
- R-8 Condition 16: **CONDITION DELETED BY STAFF:** ~~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)

- R-9 Condition 17: 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#2015-00068)
- R-10 Condition 18: **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. ~~No outdoor speakers shall be permitted.~~ All loudspeakers shall be prohibited from the exterior of the building; no amplified sound shall be audible at the property line. (T &ES)
- R-11 Condition 19: **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, and smoke and any other air pollution from operations at the site and prevent them from leaving the property or 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)
- R-12 Condition 20: **CONDITION AMENDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur to the business are prohibited between the hours of 11:00 p.m. and 7:00a.m. (T&ES)
- R-13 Condition 21: 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#2015-00068)
- R-14 Condition 22: **CONDITION AMENDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners), shall be disposed of in accord accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-15 **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-16 **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-17 **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)
- 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) (SUP#2015-00068)

- C-2 **City Code Requirement 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. (T&ES)
- C-3 **City Code Requirement Added by Staff:** 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)

Code Enforcement:

No comments received.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

No comments received.

Fire:

Due to increased occupant load and change in ownership, the applicant shall file for a new Fire Prevention Permit.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0110. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 5245 Duke Street.

Harykwinic Messert
Applicant Signature

11/30/17
Date

HAREGEWEWE MESSERT
Applicant - Printed

11/30/17
Date