

*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 #2017-0017  
Approved by Planning and Zoning: April 5, 2017  
Permission is hereby granted to: Eric Roper  
to use the premises located at: 107 North Fairfax 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.

04/05/17  
Date

Karl Moritz / AM  
Karl Moritz, Director  
Department of Planning and Zoning

DATE: April 5, 2017

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

FROM: Madeleine Sims, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit # 2017-0017  
Administrative Review for a Minor Amendment  
Site Use: Restaurant  
Applicant: Eric Roper  
Location: 107 N Fairfax  
Zone: CD: Commercial Downtown

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### **Request**

Special Use Permit #2017-0017 is a request to amend SUP #2015-0020 to expand seating at the existing restaurant use at 107 North Fairfax Street. The 11-seat restaurant currently operates as a 1,050 square foot gelato and coffee shop on the ground floor of a three story building. The applicant proposes adding seven indoor seats and creating an additional 12 outdoor seating area in the rear yard patio. The hours of operation would continue as 7 a.m. to 10 p.m., daily and no other changes to the operation are proposed.

### **Background**

The applicant has operated the restaurant since 2015 after City Council approved Special Use Permit #2015-0020. Previously, a retail candy store occupied the first-floor tenant space between 2007 and 2015. No recent code or zoning infractions have been noted since Dolci Gelati began operating in this space.

### **Parking**

The subject property is located within the Central Business District (CBD). Pursuant to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Old Town Civic Associations and the North Old Town Civic Association were notified of the minor amendment. Staff has not received any comments or concerns related to the request.

### **Staff Action**

Staff supports the request for the increase in indoor and outdoor seats for the restaurant at 107 North Fairfax. Staff finds the request to increase seating to be reasonable, and typical of restaurants on King Street. Except for the sole residential unit on the third floor occupied by the building owner, the rear patio is surrounded by commercial uses. To mitigate the impact of

additional noise, the hours in which the area may be utilized are the same as the interior space, and all conditions from SUP2015-0020 have been carried forward. Staff hereby approves the Special Use Permit request.

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

Date: April 5, 2017

Action: Approved



Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2017-0017**

Staff recommends **APPROVAL** subject to compliance with all applicable codes and ordinances and the following conditions:

1. This special use permit shall be granted to the applicant only or to a corporation in which the applicant has a controlling interest. (P&Z) (SUP2015-0020)
2. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to between 7 a.m. and 10 p.m., daily for both indoor and outdoor operations. Orders placed before 10 p.m. may be served, but no new patrons may be admitted and all patrons must leave by 11 p.m. (P&Z) (~~SUP2015-0020~~)
3. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats shall be ~~44~~ 18 and the maximum number of outdoor seats shall be 12. (P&Z) (~~SUP2015-0020~~)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2015-0020)
5. No delivery of food to customers may operate from the restaurant. (P&Z) (SUP2015-0020)
6. 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) (SUP2015-0020)

7. No food, beverages, or other material shall be stored outside. (P&Z) (SUP2015-0020)
8. **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)(SUP2015-0020)
6. 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) (SUP2015-0020)
7. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP2015-0020)
8. 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) (SUP2015-0020)
9. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2015-0020)
10. **CONDITION AMENDED 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) (SUP2015-00020)
11. **CONDITION AMENDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the ~~location site of the use~~, 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES) (SUP2015-00020)
12. **CONDITION AMENDED 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) (SUP2015-00020)
13. 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. (T&ES) (SUP2015-0020)

14. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval 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) (SUP2015-0020)
15. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
16. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
17. **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)
18. **CONDITION ADDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
19. **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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
20. **CONDITION ADDED BY STAFF:** Live entertainment shall not be permitted. (P&Z)
21. **CONDITION ADDED BY STAFF:** On and off site alcohol service, to the extent allowed for indoor dining, is not permitted. (P&Z)
22. **CONDITION ADDED BY STAFF:** The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)
23. **CONDITION ADDED BY STAFF:** The design of the outdoor dining areas and all its components must comply with the King Street Outdoor Dining guidelines. Any outdoor seating areas, including umbrellas, shall not include advertising signage. The applicant shall submit illustrations and specifications to the Director of Planning & Zoning for review and approval. (P&Z)

## CITY DEPARTMENT COMMENTS

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

### Transportation & Environmental Services:

- F-1. OEQ does not have any additional comments on this SUP. The conditions on the existing SUP should be carried forward to this SUP. (T&ES)
- F-2. The subject property is located within the Central Business District (CBD). Pursuant to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements. (T&ES)
- F-3. Per Section 11-513(M)(3) of the zoning ordinance, the first 20 seats of outdoor dining are exempt from commercial parking requirements. (T&ES)
- R-1. Condition 8: **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)
- R-2. Condition 9: 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) (SUP2015-00020)
- R-3. Condition 10: The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP2015-00020)
- R-4. Condition 11: 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) (SUP2015-00020)
- R-5. Condition 12: Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2015-00020)
- R-6. Condition 13: **AMENDED 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) (SUP2015-00020)
- R-7. Condition 14: **AMENDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the ~~location~~ site of the use, 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES) (SUP2015-00020)

- R-8. Condition 15: **AMENDED 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) (SUP2015-00020)
- R-9. Condition 16: 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. (T&ES) (SUP2015-00020)
- R-10. Condition 18: **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-11. Condition 19: **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-12. Condition 20: **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)
- R-13. Condition 21: **CONDITION ADDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
- R-14. Condition 22: **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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)

**Code Enforcement:**

- 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 SUP 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)

- 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:

No comments or concerns.

Health:

No comments received.

Parks and Recreation:

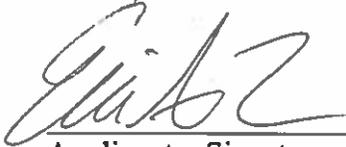
No comments received

Police Department:

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0017. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 107 North Fairfax Street.



Applicant – Signature

4/21/17

Date

Eric A Roper

Applicant – Printed

4/21/17

Date