

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 #2017-0 095

Approved by Planning and Zoning: October 17, 2017

Permission is hereby granted to: Markos Panas

to use the premises located at: 200 Commerce 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.

October 17, 2017
Date

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

DATE: October 17, 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 #2017-0095
Administrative Review for New Use
Site Use: Restaurant
Applicant: Markos Panas
Location: 200 Commerce Street
Zone: CL / Commercial Low

Request

Special Use Permit #2017-0095 is a request to operate a 15 indoor and 20 outdoor seat restaurant at 200 Commerce Street. The building is historically referred to as the “Ice House.” The applicant seeks to open a carry out and counter service restaurant serving coffee and pastries. Pastries would be made at an off-site location and delivered daily to the restaurant. The applicant proposes to operate 7 a.m. and 11 p.m. Sunday through Wednesday, and 7 a.m. – 12 a.m. Thursday through Saturday. No alcohol service or delivery service is proposed. Live entertainment is not proposed.

Parking

The subject restaurant is in the Central Business District, and pursuant to Section 8-300 (B) is not required to provide parking. Section 11-513 (M) of the Zoning Ordinance exempts restaurants from providing parking for the first 20 outdoor dining seats. As the applicant proposes 20 outdoor dining seats it is exempt from providing parking.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. Notice was also sent via email to the Old Town Civic Association, Upper King Street Neighborhood Association, King Henry Court Condominium Association, and Centennial Row Homeowner’s Association. No comments were received regarding the application.

Staff Action

Staff supports the applicant’s request for a restaurant at this location.

The proposed restaurant would serve as a neighborhood serving business. Staff does not anticipate impacts generating from this use due to its size and orientation to the surrounding area. The applicant proposes no cooking or baking on premises due to the limited capacity of the space, therefore staff does not anticipate any odors emanating from this use as proposed. Nevertheless, staff has included standard conditions relating to odors (Conditions #22), noise (Conditions #15

and #26), trash (Conditions #11 and #21), and litter (Condition #24). Staff also analyzed this proposal using the *Old Town Restaurant Policy* criteria.

Parking

Due to its small size and proximity to public transportation, staff determined that it is unlikely to generate vehicular traffic. Due to its small size and proximity to King Street, it is possible that it will be a secondary stop for many visitors to Old Town, who would normally be visiting King Street. The use would also serve nearby residential areas within walking distance. The applicant provides one parking space for deliveries, and staff has continued forward standard conditions relating to traffic and parking.

Litter

Although the proposed sale of coffee and pastries in a carry-out format has the increased potential for litter in the surrounding area. Staff has included Condition #10 which requires a trash receptacle be located in the building for patron use.

Late Night Hours and Alcohol

The applicant does not propose alcohol sales at this location. The proposed hours are consistent with the King Street dining standards. Because of the residential uses surrounding the proposed business, a closing hour of 10 p.m. for the outdoor dining area of the restaurant is required in Condition #13.

Diversity of Uses

The proposed use is filling a long vacant commercial building, and would add to the diversity of commercial uses in the neighborhood.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 17, 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 #2017-0095

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 hours of operation for the indoor dining shall be limited to between 7 a.m. to 12 a.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, daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The maximum number of indoor seats shall be 15. The maximum number of outdoor seats shall be 20. (P&Z)
5. No live entertainment shall be permitted at the restaurant. (P&Z)
6. No alcohol sales are permitted. (P&Z)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. 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)
9. No delivery of food to customers may operate from the restaurant. (P&Z)
10. The applicant shall furnish at least one receptacle inside the restaurant and outside in the outdoor dining area. (P&Z)
11. All windows shall remain transparent. 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)
12. 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 and Zoning for review and approval.
13. The outdoor dining is limited to between 7 a.m., and 10 p.m., daily. The outdoor dining area shall be closed and cleared of all customers by 10 p.m. daily and shall be cleaned and washed at the close of each business day that it is in use. (P&Z)

14. 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)
15. No live entertainment shall be allowed either inside the restaurant or in the outdoor dining area. (P&Z)
16. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
17. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
18. 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)
19. 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 P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
20. 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)
21. 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)
22. 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)
23. 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)
24. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

25. 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 and no live entertainment shall be allowed. (T&ES)
26. 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)
27. 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 or Old Town Area Parking Study. (T&ES)
28. 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 for more information about available resources. (T&ES)
29. 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)
30. The applicant shall require its employees who drive to work to use off-street parking.
31. 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)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 The applicant's use falls within the Central Business District; therefore, there is no parking requirement. (T&ES)
- R-2 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-3 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-4 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)
- R-5 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 P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-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)
- R-7 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)
- R-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)
- R-9 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)
- 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. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line and no live entertainment shall be allowed. (T&ES)
- R-12 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)
- R-13 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 or Old Town Area Parking Study. (T&ES)
- R-14 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 for more information about available resources. (T&ES)
- R-15 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-16 From Section 11-513(C) of the Zoning Ordinance:
General standards for all administrative uses:
(5) The applicant shall require its employees who drive to work to use off-street parking.
- 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, 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)

Code Enforcement:

No comments received.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

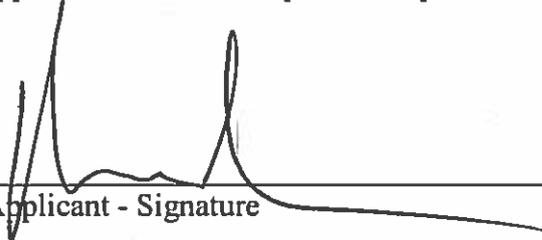
No comments received.

Fire:

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0095. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 200 Commerce Street.


Applicant - Signature

11/2/17.
Date

MARKOS A. PADAS
Applicant - Printed

11/2/17.
Date