

City of Alexandria, Virginia
Department of Planning & Zoning

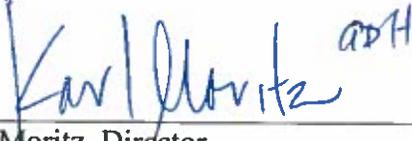
SPECIAL USE PERMIT CERTIFICATE

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 #2018-0022
Approved by Planning and Zoning: March 28, 2018
Permission is hereby granted to: Virtue Feed & Grain
to use the premises located at: 106 S. Union 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.

March 28, 2018
Date



Karl Moritz, Director
Department of Planning and Zoning

DATE: March 28, 2018

TO: Mary Christesen, Acting Division Chief Land Use
Services
Department of Planning and Zoning

FROM: Femi Adelokun, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0022
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Virtue Feed & Grain
Location: 106 S. Union Street
Zone: KR/King Street Retail

Request

Special Use Permit #2018-0022 is a request to change ownership of an existing restaurant from 106 South Union Dublin, LLC, to Virtue Feed & Grain, LLC. No changes to the current operations are proposed. The business would continue to offer moderately-priced “comfort food” and a wide selection of specialty “craft” beers, while maintaining 300 indoor seats, 50 outdoor seats, and operating hours of 11 a.m. to 1 a.m. daily. The restaurant would offer on premises alcohol sales with no delivery service and no live entertainment.

Background

City Council approved SUP#2010-0010 for the operation of a restaurant in a two-story, 7,900-square foot building in May 2010. Outdoor dining was approved to operate through a lease arrangement with the City on approximately half of the adjacent Wales Alley at the same time. A Parking Management Plan dated April 15, 2010, was incorporated into SUP#2010-0010 which recommends that the applicant maintains a parking arrangement with area garages, by which the regular parking price at those garages is discounted for customers.

On March 8, 2018, a Zoning inspector visited the subject property and found the business to be in compliance with all SUP conditions.

Parking

The subject property is located within the Central Business District (CBD). According to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are not subject to standard parking requirements.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site.

In addition, Old Town Civic Association was sent a written notification of the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff does not object to the change of ownership request. Staff finds the change of ownership request to be reasonable as no recorded complaints or negative impacts have resulted from the operation of the restaurant at this location and the new applicant proposes no changes to the current business operations or SUP conditions. To continue the outdoor dining use of a portion of Wales Alley, the applicant has entered into a lease agreement with the City, as required in Condition #11.

Staff has carried over conditions from SUP#2010-0010 and conditions have been amended and added to reflect modern condition language. Staff has updated Conditions #16 (outdoor storage), #23 (cleaning), to reflect current language. Staff has also added Condition #33 (employee transportation) which requires that the applicant encourages employees to use public transportation to travel to and from work. Finally, staff has deleted Conditions #9 (design plan), #10 (design of brick alley) and #29 (security survey) as they have been satisfied by the previous business owner.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: March 28, 2018

Action: Approved

A handwritten signature in blue ink that reads "Mary Christesen" with a stylized initial "MCH" to the right.

Mary Christesen, Acting Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2018-0011

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) (SUP2010-0010)
2. The hours of operation for indoor dining at the restaurant shall be limited to between 10:00am and 1:00am seven days/week. (P&Z) (SUP2010-0010)
3. For indoor seating, meals ordered before the closing hour may be sold, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour and all patrons must leave by one hour after the closing hour. (P&Z) (SUP2010-0010)
4. The hours of operation for the outdoor dining area shall be limited to between 10:00 a.m. to 11:00 p.m., daily. The outdoor dining area shall be cleared of all diners by 11:00pm and shall be cleaned and washed at the close of each business day that it is in use. (SUP2010-0010)
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2010-0010)
6. The maximum number of seats at the restaurant shall be 350, which may be located either inside or on the outdoor platform to be located in Wales Alley. (P&Z) (SUP2010-0010)
7. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The design of alterations to the building and improvements in the alley shall be substantially as shown on the plans submitted with application. (P&Z)~~
8. **CONDITION AMENDED BY STAFF:** ~~If the applicant changes Tthe design of the outdoor dining area and all its components, it must comply with the King Street Outdoor Dining guidelines or have separate BAR approval. The applicant shall submit illustrations and specifications to the Director of Planning & Zoning or, if required, the Board of Architectural Review, for review and approval. (P&Z) (SUP2010-0010)~~
9. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~A conceptual design plan for the improvements in Wales Alley, including without limitation the alley surface, curbing, grading profile, drainage detail features, any decking, raised platforms, railings, canopy, landscaping, and lighting shall be submitted for review and approval by the Director of Planning & Zoning in addition to any review required by the Board of Architectural Review. (P&Z) (SUP2010-0010)~~
10. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The final design of the brick alley is subject to approval of the Director of Transportation and Environmental~~

~~Services. The applicant shall post bond for public improvements prior to starting work. (T&ES) (SUP2010-0010)~~

11. A signed and approved license agreement with the City shall be required before the applicant may begin the use of Wales Alley. (P&Z) (SUP2010-0010)
12. No live entertainment shall be permitted either inside the restaurant or in any outdoor dining area. (P&Z) (SUP2010-0010)
13. No delivery service shall be available from the restaurant. (P&Z) (SUP2010-0010)
14. On-premises alcohol service may be permitted, but no off-premises sales shall be allowed. (P&Z) (SUP2010-0010)
15. 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. (P&Z) (SUP2010-0010)
16. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions (P&Z) (SUP2010-0010)
17. 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) (SUP2010-0010)
18. The applicant shall use the communal City waste disposal facility located in Fayette Alley. (T&ES) (SUP2010-0010)
19. The applicant shall comply with the submitted Parking Management Plan dated April 15, 2010, which is hereby incorporated into this Special Use Permit. Modifications to the Parking Management Plan as required shall be made to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. At such time as a revised parking policy for businesses in Old Town is adopted by City Council, this condition may be modified or superseded by such policy. (T&ES) (P&Z) (SUP2010-0010)
20. The applicant shall be responsible for repairs to the adjacent City right-of-way if damaged during construction activity. (T&ES) (SUP2010-0010)
21. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES) (SUP2010-0010)
22. No permanent structure may be constructed over any existing private and/or public utility easements. (T&ES) (SUP2010-0010)

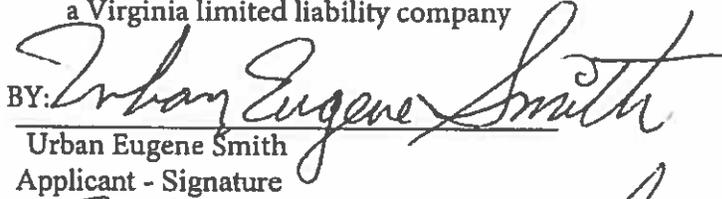
23. **CONDITION AMENDED BY STAFF:** Kitchen equipment including floor mats shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2010-0010) (P&Z)
24. The applicant shall control cooking odors, smoke and any other air pollution from 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) (SUP2010-0010)
25. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP2010-0010)
26. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. Such activities shall take place in Wales Alley adjacent to the subject property behind the proposed outdoor seating area and shall not block access through Wales Alley at any time. (T&ES) (SUP2010-0010)
27. 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) (SUP2010-0010)
28. **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) (SUP2010-0010)
29. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery readiness training for all employees. (Police) (SUP2010-0010)~~
30. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)~~
31. **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) (SUP2010-0010)

32. 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 for more information about available resources. (P&Z)
33. 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. (P&Z)
34. CONDITION ADDED BY STAFF: 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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0022. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 106 South Union Street.

Virtue Feed & Grain, LLC
a Virginia limited liability company

BY: 
Urban Eugene Smith
Applicant - Signature

April 9, 2018

Date

Urban Eugene Smith
Applicant - Printed

Date