



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 #2018-0025
Approved by Planning and Zoning: April 16, 2018
Permission is hereby granted to: Ismoil Rakhmatullaev
to use the premises located at: 210 Swamp Fox Road
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.

4/16/2018
Date

K. Moritz by [signature]

Karl Moritz, Director
Department of Planning and Zoning



STATE OF USE PERMITS CERTIFICATE

This certificate is issued to the applicant for the use of the property described in the application for the purpose of the use specified in the application. The use of the property for the purpose specified in the application is a use which is not prohibited by the zoning ordinance of the City of Richmond, Virginia. The use of the property for the purpose specified in the application is a use which is not prohibited by the zoning ordinance of the City of Richmond, Virginia.

Item	Description	Area	Volume
1	Use of property for the purpose of the use specified in the application.		
2	Use of property for the purpose of the use specified in the application.		
3	Use of property for the purpose of the use specified in the application.		
4	Use of property for the purpose of the use specified in the application.		
5	Use of property for the purpose of the use specified in the application.		

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K. Morris
 City Clerk
 City of Richmond, Virginia

 Date

DATE: April 16, 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 #2018-0025
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Ismoil Rakhmatullaev
Location: 210 Swamp Fox Road
Zone: CDD#2/Coordinated Development District Zone

Request

Special Use Permit #2018-0025 is a request for a change of ownership of an existing restaurant from Ruby Tuesday Inc, LLC to Ismoil Rakhmatullaev and a minor amendment to the hours of operation. The new business proposes to serve Russian and Uzbek cuisines under the trade name Rus Uz. The new business proposes a change in operation hours from the previously approved hours of 11 a.m. to 1 a.m. daily, to the new proposed hours of 9 a.m. to 10:30 p.m. on Sunday through Thursday and 9 a.m. to 11 p.m. on Fridays, with a 1 a.m. closing time reserved for special events and occasions. No other changes to SUP conditions are proposed.

Background

The subject property is known as the Hoffman Town Center and the proposed tenant space stands to the right of the main theater entrance and is approximately 5,574 square feet. In 2001, City Council approved SUP2001-0110 for a 253-seat full service restaurant called Ruby's Tuesday at 210 Swamp Fox Road. The restaurant operated from this location serving hot and cold foods, and alcoholic beverages till it permanently closed in 2017.

Parking

Required parking for the proposed restaurant use is provided in 1741 parking spaces provided for tenants of the Hoffman Center.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, Taylor Run 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 and minor amendment request. The proposed restaurant would serve as a replacement of a similar use which only recently

permanently closed. The new proposal presents an opportunity to maintain the balance and variety of dining options at the Hoffman Town Center. Staff has carried over conditions from SUP #2001-0110. Conditions #7 and #11 have been updated to reflect current condition language and condition #27 has been added to ensure employee training on SUP conditions. Condition #20 has been included requiring that the business encourages its employees to use public transportation for traveling to and from work, while condition #22 requires that the business provides its patrons with information regarding alternative forms of transportation. Finally, staff has deleted Conditions #9 (trash container installation), #15 (security survey) and #17 (landscaping) 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: April 16, 2018

Action: Approved



Mary Christese, Acting Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2018-0025

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2001-0110)
2. Seating shall be provided for no more than 253 patrons. (P&Z) (SUP #2001-0110)
3. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2001-0110)
4. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to ~~11:00 a.m.~~ 9:00 a.m. to 1:00 a.m. daily. (P&Z) (SUP #2001-0110)
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2001-0110)
6. Alcoholic beverages shall be sold for on premises consumption only. (P&Z) (SUP #2001-0110)
7. **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) (SUP #2001-0110)
8. **CONDITION DELETED AND REPLACED WITH CONDITION #30:** ~~Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2001-0110)~~
9. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall obtain, at their expense, one Model SD 42 Ironsides series trash container to be placed at the front of the restaurant near the intersection of Swamp Fox Road and Grist Mill Place. The applicant shall contact T&ES Solid Waste Division at 703-751-5130 (P&Z). (SUP #2001-0110)~~
10. 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. (P&Z) (SUP #2001-0110)

11. **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) (~~SUP #2001-0110~~)
12. **CONDITION DELETED AND REPLACED WITH CONDITION #23:** ~~The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP #2001-0110)~~
13. **CONDITION DELETED AND REPLACED WITH CONDITION #26:** ~~All loudspeakers or musicians shall be prohibited outside the restaurant. No amplified sound shall be audible at the property line. (T&ES) (P&Z) (SUP #2001-0110)~~
14. No material shall be disposed of by venting into the atmosphere. (T&ES) (SUP #2001-0110)
15. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees prior to operation. (Police) (SUP #2001-0110)~~
16. Meals ordered before the closing hour may be served, 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) (SUP #2001-0110)
17. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall provide additional landscaping generally consistent with the attached staff plan and all to the satisfaction of the Director of Planning and Zoning, which shall be maintained in perpetuity, and includes the following at a minimum:~~
 - (a) ~~two planters in the area devoted to outdoor seating to contain flowering plants;~~
 - (b) ~~shrubbery along the southeastern side of the building, to match the trees and shrubbery planted along Grist Mill Road opposite the subject building; and~~
 - (c) ~~five additional street trees, to match the existing ones, in the front parking lot on Eisenhower Avenue; the trees shown in the plan along Swamp Fox Road are not required. (PC) (SUP #2001-0110)~~
18. **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 a result of a complaint that rises to the level of a violation, 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 #2001-0110)

19. The applicant shall assist and require their employees who drive to work to use off street parking. (City Council) (SUP #2001-0110)
20. **CONDITION ADDED 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. (P&Z)
21. **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)
22. **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)
23. **CONDITION ADDED BY STAFF:** 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. (P&Z) (T&ES)
24. **CONDITION ADDED BY STAFF:** 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. (P&Z) (T&ES)
25. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (T&ES)

26. **CONDITION ADDED 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. (P&Z) (T&ES)
27. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (T&ES)
28. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (T&ES)
29. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (P&Z) (T&ES)
30. **CONDITION ADDED BY STAFF:** 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)
31. **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) (T&ES)
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) (T&ES)
33. **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. (P&Z) (T&ES)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

- F-1 Required parking for the restaurant use is provided in the attached parking garage. (T&ES)
- R-1 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-2 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-3 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-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 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)
- R-6 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-7 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-8 If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)
- R-9 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-10 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-11 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-12 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-13 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.
- (9) 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.
- 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 Department

No comments received

Fire Department

R-1 A fire prevention permit is required for this occupancy and use condition – assembly.

Health Department

R-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.

R-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria- fee must be paid separate from any other departmental fees.

R-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.

R-4 A Food Protection Manager shall be on-duty during all operating hours.

R-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

R-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.

R-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Police Department
No comments received.

Recreation, Parks, and Cultural Activities
No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0025. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 210 Swamp Fox Road.



Applicant - Signature

05/03/18

Date

Ibrahim Pakhramatbaev

Applicant - Printed

05/03/18

Date

10/10/20

10/10/20

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