



*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 #2018-0043  
Approved by Planning and Zoning: June 13, 2018  
Permission is hereby granted to: Alexandria Chicken, LLC  
to use the premises located at: 25 South Pickett 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.

6/13/2018

Date

*K. Moritzby*  
Karl Moritz, Director  
Department of Planning and Zoning

**DATE:** June 13, 2018

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

**FROM:** Madeleine Sims, Planner  
Department of Planning and Zoning

**SUBJECT:** Special Use Permit #2018-0043  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Alexandria Chicken, LLC  
Location: 25 South Pickett  
Zone: CG / Commercial General

**Request**

Special Use Permit #2018-0043 is a request to change ownership of an existing restaurant, Popeye's, from Nova Chickens, Incorporated to Alexandria Chicken, LLC. No changes to the operation are proposed. The restaurant would continue to operate as a Popeye's with a drive through component serving fried chicken. The restaurant would continue the previous operation and have business hours between 8:30 a.m. - midnight, Sunday through Thursday, and 8:30 a.m. - 1 a.m., Friday and Saturday. No alcohol, live entertainment, or delivery service is proposed, and no more than 150 seats would be provided for patrons.

**Background**

In 1985 City Council approved SUP #1769 for a fast food restaurant, Popeye's, at 25 South Pickett Street to Jomar Enterprise, Incorporated. In 1987, City Council approved a change of ownership from Jomar Enterprises, Incorporated to Fairfax Foods Incorporated. In 2005, staff administratively approved a change of ownership request and minor amendment to NOVA Chickens, Incorporated, and amended the closing hours to midnight Sunday through Thursday, and 1 a.m., Friday and Saturday.

On May 30, 2018 staff visited the subject property and found no violations of the conditions of Special Use Permit #2005-0068. The Zoning Inspector however did note that the trash enclosure had been seriously damaged, the business manager noted that the damage was due to a recent vehicular accident and would be repaired soon.

**Parking**

Pursuant to Section 8-200(A)(17) a restaurant is required to provide a minimum of one parking space for every 1,000 square feet of space up. The subject restaurant is approximately 4,500 square feet and located within the enhanced transit area, thus, the restaurant is required to provide a minimum of five parking spaces. The applicant provides 50 parking spaces in a shared parking lot with an of 8,000 square foot office building that is, at minimum, required to provide two parking spaces. The parking lot exceeds the number of spaces the tenants require. The

early 2018 that modified the parking requirements for restaurants and other commercial uses and are thus permitted to keep the excess parking through the grandfathering provision of Section 8-200(F)(7). The applicant therefore meets the parking requirement.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Cameron Station Civic Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

**Staff Action**

Staff does not object to the change of ownership request. The site has hosted a fast food enterprise for many years and would continue to provide a quick-service amenity to nearby workers, residents and other visitors. The site continues to provide adequate access for the drive through component and meets the City's parking requirements for this type of use. The restaurant does not have any zoning violations on record and all code complaints were immediately corrected by the property owner. Staff deleted Condition #7 and replaced it with Condition #19 which details current language on trash and garbage storage measures. Staff has updated Condition #3 (hours), Condition #5 (litter), Condition #6 (outdoor storage) and Condition #11 (equipment cleaning) and Condition #13 (noise ordinance) to reflect current language. Staff has also added #14 (posting of operating hours), Condition #15 (alcohol sales), Condition #17 (loading and unloading), Condition #18 (food delivery services), and Condition #20 (SUP review), all of which are standard SUP conditions. Staff hereby approves the Special Use Permit request.

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

Date: June 13, 2018  
Action: Approve



Mary Christesen, Acting Land Use Services Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2018-0043**

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. That the permit be granted to the applicant only or to any corporation in which the applicant has a controlling interest only. (P&Z) (SUP #1769)
2. That no more than 150 seats be provided for the use of patrons. (P&Z) (SUP #1769)
3. **CONDITION AMENDED BY STAFF:** The hours during which the business is open to the public shall be ~~restricted to between 8:30 a.m. to and 12:00 midnight, Sunday through Thursday, and from 8:30 a.m. to 1:00 a.m., Friday through Saturday.~~ (P&Z) (SUP #2005-0068)
4. That at least three trash containers be located in the parking area for the use of patrons. The containers shall not be permitted to overflow, and the areas around them must be kept clean. (P&Z) (SUP #1769)
5. **CONDITION AMENDED BY STAFF:** ~~That~~ Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the property shall be picked up at least twice daily a day, and more often if necessary, to prevent an unsightly and ~~insanitary~~ unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #1769)
6. **CONDITION AMENDED BY STAFF:** ~~That~~ No food, beverages, or other materials be stored outside. (P&Z) (SUP #1769)
7. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #19:** ~~That trash and garbage be stored inside or in a dumpster.~~ (P&Z) (SUP #1769)
8. That trash and garbage be collected daily or as needed when the business is open. (P&Z) (SUP #1769)
9. That any back-up of cars on public right-of-way to enter drive-in window line to result in loss of special use permit. (P&Z) (SUP #1769)
10. 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) (SUP #2005-0068)
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 #2005-0068)

12. 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) (SUP #2005-0068)
13. 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) (SUP #2005-0068)
14. CONDITION ADDED BY STAFF: The applicant shall post the hours of operation at the entrance of the business. (P&Z)
15. CONDITION ADDED BY STAFF: No alcohol sales are permitted. (P&Z)
16. 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)
17. CONDITION ADDED BY STAFF: Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)
18. CONDITION ADDED BY STAFF: No delivery of food to customers may operate from the restaurant. (P&Z)
19. CONDITION ADDED BY STAFF: 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)
20. CONDITION ADDED 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 #2018-0043  
25 South Pickett Street

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0043. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 25 South Pickett Street.

*Raja Faisal*

Applicant - Signature

06/21/2018  
Date

RAJA FAISAL DAWOOD (FOR ALEXANDRIA  
CHICKEN LLC)

Applicant - Printed

06/21/2018  
Date