



DATE: November 19, 2018

TO: Tony LaColla, Division Chief  
Department of Planning and Zoning

FROM: Max Ewart, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0099  
Administrative Review for Special Use Permit for a Restaurant  
Site Use: Restaurant  
Applicant: Whitney and Jason Langone  
Location: 1320 Prince St.  
Zone: CL/Commercial Low

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### **Request**

Special Use Permit (SUP) #2018-0099 is a new use request to operate a new restaurant on Prince Street. The applicant proposes a total of 62 seats – 50 indoors and 12 outdoors at the rear of the property. Indoor operating hours are proposed from 7 a.m. to 5 p.m., Sunday, 6 a.m. to 9 p.m., Monday through Wednesday, 6 a.m. to 10 p.m., Thursday and Friday, and 7 a.m. to 10 p.m., Saturday. Limited live entertainment is permitted. The applicant expects to serve up to approximately 150 patrons per day and will employ up to five staff per day. On-premises alcohol sales and customer delivery services are not proposed.

### **Background**

This location was previously used as a medical office, a permitted use under the CL/Commercial Low zoning ordinance. There have been two trash complaints submitted in 2014 that were immediately resolved by the property owner.

### **Parking**

According to Section 8-300 (B) of the Zoning Ordinance, parking requirements do not apply to restaurants located within the Central Business District.

### **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 Association, Taylor Run Civic Association, and the Rosemont Citizens Association received notification of the SUP request. Staff received comments related to neighbor concerns as well as comments supporting the business. The applicant met on November 5 with nearby residents to learn of their concerns related to garbage removal, parking, hours of operations, and lighting. After the meeting, the neighbors expressed support for the new business, understanding that the applicant would be available to address any future issues that may arise and that enforcement of standard conditions and code requirements would mitigate their concerns.

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**Staff Action**

Staff supports the applicant's request for a restaurant at this location. It believes that the addition of a small restaurant in a long-vacant tenant space will be an asset to the immediate area, offering residential and commercial neighbors with convenient access to a neighborhood restaurant.

Resident concerns related to parking are addressed through Conditions #14, 15, and 16 for parking and hours of operation are mandated in Condition #2. Staff has standardized the hours of operation as 6 a.m. to 10 p.m. in Condition #2 to permit the applicant with operational flexibility within the administrative SUP parameters for hours permitted in Section 11-513 of the Zoning Ordinance. Concerns related garbage storage and odors are mitigated through Condition #20 and 27 and satisfied by the applicant's intention to have garbage removed from the property at least one or more times weekly, as needed. The times of garbage removal are limited to 7:00 a.m. to 11:00 p.m. in the City Code. The City Code also provides restrictions on outdoor lighting to mitigate neighbor concerns.

Staff hereby approves the Special Use Permit request.

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

Date: November 19, 2018

Action: Approved



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Tony LaColla, Division Chief

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

### **CONDITIONS OF SPECIAL USE PERMIT #2018-0099**

The 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 shall be limited to 6 a.m. to 10 p.m., daily. All meals must be ordered no later than the closing hours and patrons must leave the premises one hour after closing. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The number of indoor seats is 50 and the number of outdoor seats at the rear of the property is 12. (P&Z)
5. 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)
6. 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)
7. Limited, live entertainment may be offered indoors as background music at the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. No live entertainment is permitted in the outdoor dining area of the restaurant. (P&Z)
8. The hours of operation for outdoor dining shall be limited to between 6 a.m. to 9 p.m., daily. The outdoor dining area shall be closed and cleared of all customers by 9 p.m. daily. The outdoor dining area shall be cleaned and washed at the close of each business day that it is in use. (P&Z)
9. No food, beverages, or other material shall be stored outside with the exception of materials specified in other conditions. (P&Z)
10. On-premises alcohol service is not permitted. (P&Z)
11. Deliveries to customers is not permitted. (P&Z)

12. The applicant shall maintain all landscaping on the property. (P&Z)
13. The applicant shall require its employees who drive to use off-street parking. (T&ES)
14. 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)
15. 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
16. 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)
17. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
18. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
19. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) 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)
20. 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)
21. 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)
22. 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)

23. 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)
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. (T&ES)
26. 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)
27. Trash shall be picked up by a commercial trash service during weekdays and shall be stored on the applicant's property. (P&Z)
28. The applicant shall direct rear patio lighting away from neighboring residences. (P&Z)
29. 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 and Environmental Services

- R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 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)
- R-3 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
- R-4 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-5 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-6 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-7 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) 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-8 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-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)
- R-10 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-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)

- R-12 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-13 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-14 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)
- 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)

### **Code**

No comments received

### **Fire**

- C-1 A new or updated (to reflect new business and ownership) fire prevention permit is required for this location.

### **Health**

No comments received

### **Police**

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 #2018-0099. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 1320 Prince Street.

Whitney Langone  
Applicant – Signature

11/19/18  
Date

Whitney Langone  
Applicant – Printed

11/19/18  
Date