



City of Alexandria, Virginia
Department of Planning & Zoning

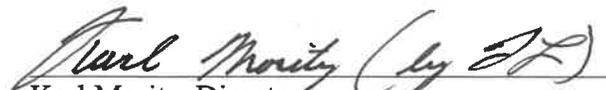
SPECIAL USE PERMIT CERTIFICATE

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 #2019-0037
Approved by Planning and Zoning: May 9, 2019
Permission is hereby granted to: Sarah Moore
to use the premises located at: 102 South Patrick 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.

Date


Karl Moritz, Director
Department of Planning and Zoning

DATE: May 9, 2019

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

FROM: Cara DelVecchio, Non-development Case Unit Intern, Land Use Services
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0037
Administrative Review for a Change of Ownership
Site Use: Restaurant
Applicant: Sarah Moore
Location: 102 South Patrick Street
Zone: CD/Commercial Downtown

Request

Special Use Permit (SUP) #2019-0037 is an administrative request to change the ownership of an existing restaurant from Michael Elmendorf to Sarah Moore. The business proposes to operate as an ice cream shop, under the trade name of Jeni's Ice Cream, offering ice cream and sorbets in a carry-out setting. The restaurant would maintain the use of 45 seats for patrons. The restaurant would continue to operate from 6 a.m. to 11 p.m., daily and does not offer delivery, live entertainment, or the sale of alcohol. No other operational changes are proposed.

Background

The previous restaurant has operated at this location since 1991 which was approved under SUP #2482. The previous owner expanded the restaurant into the adjoining buildings at 104 and 106 South Patrick Street. This increased the area of the restaurant from 400 square feet to approximately 1,200 square feet. This expansion was approved in 1993 under SUP #2482-A. A site inspection was completed in April 2019 which found that the business was compliant with all SUP conditions.

Parking

The restaurant is located within the Central Business District. Off-street parking for restaurants is not required within the Central Business District. Nonetheless, there is a city parking lot directly behind the subject property which can accommodate 19 cars.

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, West Old Town Citizen's Association, Upper King Street Neighborhood Association, and Braddock Station Civic Association were sent an email with information about the current application. Staff has not received any public comments about the proposal.

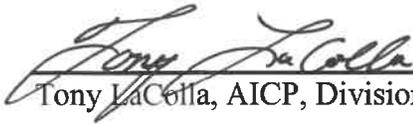
Staff Action

Staff supports the applicant's request for a change of ownership at this location. As the applicant proposes no other changes and a restaurant has existed at the site for several years, new impacts are not expected from this use on South Patrick Street. Staff has carried forward previous SUP conditions and amended conditions to reflect current language standards. Additional standard restaurant conditions have been included.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: May 9, 2019
Action: Approved



Tony LaColla, AICP, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2019-0037

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. **CONDITION AMENDED BY STAFF:** The special use permit shall be granted to the applicant only or to ~~any business or entity~~ corporation in which the applicant has a controlling interest. (P&CD) ~~(SUP#2482)~~
2. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 6:00 a.m. to 11:00 p.m., seven (7) days a week. All patrons must leave the premises one hour after closing. (P&CD) ~~(SUP#2482)~~~~(P&Z)~~
3. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&CD) ~~(SUP #2482)~~~~(P&Z)~~
4. **CONDITION DELETED AND REPLACED WITH CONDITION #21:** ~~Trash and garbage shall be stored inside or in a dumpster.~~ (P&CD) ~~(SUP #2482)~~
5. Trash and garbage shall be collected every day that service is available. (P&CD) (SUP #2482-A)
6. No more than 45 seats shall be provided for the use of patrons. (P&CD) (SUP#2482-A)
7. **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line. (P&CD) ~~(SUP #2482-A)~~ ~~(P&Z)~~
8. The applicant shall post the hours of operation at the entrance of the restaurant. (P&CD) (SUP #2482-A)
9. **CONDITION AMENDED BY STAFF:** Litter on the site and on the 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 and unsanitary accumulation, on each day the business is open to the public. (P&CD) ~~(SUP #2482-A)~~~~(P&Z)~~
10. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~One (1) standard city trash container shall be furnished to the City of Alexandria for installation by the City on the adjacent public right of way.~~ (P&CD) ~~(SUP #2482-A)~~

11. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers. (P&CD) (SUP #2482-A)-(P&Z)
12. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)
13. **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. (P&Z)
14. **CONDITION ADDED BY STAFF:** On-premises alcohol sales is not permitted. (P&Z)
15. **CONDITION ADDED BY STAFF:** Food delivery operated and managed by the applicant shall not be permitted. (P&Z)
16. **CONDITION ADDED BY STAFF:** Live entertainment is not permitted. (P&Z)
17. **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)
18. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
19. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
20. **CONDITION ADDED BY STAFF:** 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. (P&Z)
21. **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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z)

22. **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)
23. **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)
24. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (P&Z)
25. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (P&Z)
26. **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)
27. **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)
28. **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)
29. **CONDITION ADDED BY STAFF:** The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (P&Z)

30. **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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0037. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant use at 102 South Patrick Street.

Sarah Moore

Applicant – Signature

6/13/19

Date

Sarah Moore

Applicant – Printed

6/13/19

Date