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	#2016-0071
Approved by Planning and Zoning:	November 1, 2016
Permission is hereby granted to:	Meggrolls, One
To use the premises located at:	107 N. Fayette 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.

11/1/16
Date

Karl Moritz, Director
Department of Planning and Zoning

DATE: November 1, 2016

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Sara Brandt-Vorel, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2016-0071
Administrative Review for a New Use

Site Use:	Restaurant
Proposed Business Name:	Meggrolls
Applicant:	Meggrolls, One
Location:	107 N Fayette Street
Zone:	CD/Commercial Downtown

Request

Special Use Permit #2016-0071 is a request to operate a new restaurant with accessory catering of approximately 1,600 square feet at 107 N Fayette Street. This would be the first brick-and-mortar location for the applicant who is transitioning from their food truck, Meggrolls. The proposed restaurant would offer a menu primarily consisting of eggrolls with unique filling combinations to be ordered at a counter and consumed on-site or carried-out. The applicant also proposes on premises alcohol sales for the restaurant use and limited live entertainment. Proposed hours of operation include 11 a.m. – 9 p.m., Sunday - Tuesday, 11 a.m. – 10 p.m., Wednesdays, 11 a.m. – 11 p.m., Thursdays and 11 a.m. – 12 a.m., midnight, Sundays. The accessory catering operation would provide delivery of Meggroll items for lunches, dinners, and special events through advanced orders placed with the restaurant. The catering would operate during the same hours as the restaurant and utilize one delivery van for the delivery of catering orders. Non-catering orders will not be delivered.

Elements of the restaurant proposal include:

Proposed Hours of Operation:	11 a.m. – 9 p.m., Sunday - Tuesday 11 a.m. – 10 p.m., Wednesdays 11 a.m. – 11 p.m., Thursdays 11 a.m. – 12 a.m., midnight, Fridays and Saturdays
Proposed Seating:	28 indoor seats. (12 outdoor seats would be proposed through separate King Street Outdoor Dining Permit).
Type of Service:	Counter service and carry-out.
Delivery:	No delivery of individual meals proposed. Delivery limited to catering operations with one proposed delivery vehicle.

Alcohol:	On-premises alcohol sales proposed.
Live Entertainment:	Limited live entertainment, to include a live guitarist, is proposed.
Employees per Shift:	Six employees per shift.
Noise:	Minimal noise is expected. As the applicant proposes acoustic guitar music for live entertainment, potential noise will be limited.
Odors:	Minimal odors from a restaurant use are addressed through proper ventilation.
Trash/Litter:	All trash receptacles will be emptied into dumpsters located behind the proposed restaurant.

Background

City Council first approved SUP #104 in April 1945 for a dry cleaning and laundry facility at the site. At this point in time, the building located at 107 N Fayette Street was located on one parcel of record with the adjacent two story brick building with frontage on King Street, and contains the current addresses of 1127 – 1131 King Street. In May 1976 City Council approved SUP #1056 for a public garage and limited automobile related uses including radio installation and replacement of car upholstery. In January 1984, City Council approved SUP #1635 for a dry cleaning use in the vacant buildings on the parcel. In June 1996, the Planning Commission approved a subdivision request by the property owner to subdivide the one parcel along property lines, creating the current, two-parcel configuration of 107 N Fayette Street and 1127 King Street. City Council approved SUP #96-0176 in January of 1997 for a restaurant use, under the trade name of Five Guys, at 107 N Fayette Street. The restaurant was approved for 20 indoor seats and no alcohol sales. City Council approved SUP #98-0088 in September 1998 and an increase to 28 indoor seats as a one year review of restaurant operations.

Parking

The applicant's proposed restaurant is located within the Central Business District and Section 8-300(B) of the Zoning Ordinance waives the parking requirement for restaurants located within the Central Business District. As such, the applicant is not required to provide off-street parking for restaurant seating. The applicant is required to provide one off-street parking space for each delivery vehicle and has leased a parking space at Landmark Parking Garage to store the delivery vehicle when not in use for catering operations.

Zoning/Master Plan Designation

The property is located in the CD/Central Downtown Zone. According to Section 4-502.1, restaurants in the CD Zone which comply with Section 11-513(L) of the Zoning Ordinance may be approved through an administrative Special Use Permit. The subject site is located within the Old Town Small Area Plan which encourages a concentration of retail uses along primary commercial corridors. The Old Town Small Area Plan also includes the Old Town Restaurant Policy which requires an analysis of a proposed restaurant's impact on parking, late hours, alcohol sales, and littering.

As the proposed business is located in the City's Old and Historic District, any exterior work or signage will require review and approval by the Board of Architectural Review (BAR). The applicant's proposed restaurant location, within one block of King Street, enables the applicant to apply to the King Street Outdoor Dining Program to request seasonally appropriate outdoor dining.

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, Old Town Business and Professional Association, King Henry Court Civic Association, and Prescott Condominium Unit Owners Association were informed of the new restaurant application. Staff received several letters of support for the proposed business from residents and a comment on the compatibility of the use in Old Town. The character of public comments did not trigger a full-hearing Special Use Permit review.

Staff Action

Staff supports the applicant's request for a restaurant use at 107 N Fayette Street and finds the new restaurant concept will bring a new and unique food option to the King Street commercial corridor. The applicant's proposed restaurant will likely drive foot traffic to the site and create an active destination for lunch and dinner patrons. In addition, staff found that many members of the community were in support of this application as the applicant has established a community following with its food truck and has taken an active role in local philanthropic activities. Staff supports the growth of a local business as it expands from a food truck to a storefront location and remains a vibrant part of the community. While the applicant requested 12 outdoor seats in their application, outdoor seating may be pursued under the King Street Outdoor Dining Program under a separate application. In addition, staff has evaluated the applicant's restaurant request in the context of the King Street Restaurant Policy and finds the restaurant complies with policy goals.

Parking: Staff finds that the proposed restaurant use, with 28 indoor seats would not generate new parking demand as the applicant's restaurant is a direct replacement to an existing restaurant with 28 seats. The applicant's restaurant is also located in a highly accessible location, within walking distance to the King Street Metro, along DASH bus and Metrorail bus routes, and proximate to a Capital Bikeshare Station which provide alternative forms of transportation for

patrons and staff on site. The applicant has also obtained off-street parking for their delivery vehicle which will be used five to ten times a week for catering related deliveries, as required in Condition #22. Nonetheless, staff has included Condition #7 which encourages the applicant to promote alternative forms of transportation to the site, which is bolstered by Condition #9 which requires the applicant to provide information on alternative forms of transportation. Information on nearby parking garages is required to be provided by the applicant in Condition #8 and Condition #19 requires all employees who drive to park off-street when at work.

Litter: The applicant has established a contract with a local trash management entity that is scheduled to remove waste twice a week, or more if necessary, from an onsite dumpster associated with the restaurant. As such, staff does not feel litter will be a challenge. However staff has included Condition #20 requiring the applicant to monitor and remove litter within 75 feet of their restaurant at least three times a day.

Alcohol and Late Hours: The applicant is proposing on-premises alcohol sales in conjunction with their dine-in food options. As a number of adjacent restaurants offer on-premises alcohol sales to enhance the dining experience of patrons, and the proposed restaurant is relatively small and would not operate as a nightclub, staff finds this to be a reasonable request. The applicant requested a varied closing times and staff has standardized the closing hour to 12 a.m., midnight to give the applicant more flexibility through Condition #4. This condition also limits the potential of late night activity as it requires all orders to be placed by the closing hour and all patrons must depart within one hour of the closing hour.

Diversity of Uses: The proposed restaurant would be a one to one replacement of a previous restaurant use and would therefore not change the balance of uses found in the King Street area.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: November 1, 2016
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2016-00071

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)

2. The applicant shall post the hours of operation at the entrance of the business. (P&Z)

3. The restaurant shall have 28 indoor seats. Outdoor seats may be permitted through the King Street Outdoor Dining Program (P&Z)

4. The hours of operation for indoor dining shall be limited to between 11 a.m. and 12 a.m, daily. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)

5. On-premises alcohol service may be permitted, consistent with a valid Virginia ABC license. Off-premises alcohol sales are not permitted at the restaurant and through catering operations. (P&Z)

6. No food, beverages, or other material shall be stored outside. (P&Z)

7. 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)

8. The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES)

9. 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 on establishing an employee transportation benefits program (T&ES)

10. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

11. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

12. If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung -- a secure stopper that seals the drum) when not receiving used oil. The drum shall be placed on secondary containment, and situated under cover to prevent rainwater from falling on it.

13. 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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)

14. 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)

15. 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)

16. 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)

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

18. 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)

19. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)

20. 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. (T&ES)

21. 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)

22. Up to two delivery vehicles shall be permitted for the accessory catering use. The applicant shall maintain a lease agreement for parking spaces to accommodate each delivery vehicle. Any delivery vehicles shall be parked in an off-street parking space when located in the vicinity of the restaurant. (P&Z)

23. Limited live entertainment may be offered. All live entertainment at the restaurant shall be subordinate to the principal function of the business as an eating establishment. No cover or admission fee may be assessed. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)

24. 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)

25. 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)

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact the Local Motion at localmotion@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)

R-2 The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (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 for more information on establishing an employee transportation benefits program (T&ES)

R-4 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)

R-5 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

R-6 If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung -- a secure stopper that seals the drum) 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-7 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-8 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-9 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-10 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-11 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

R-12 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-13 The applicant shall require its employees who drive to work to use off-street parking.

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 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.

City Code Requirements:

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)

Fire Department:

F-1 Applicant is required to obtain a fire prevention permit for this use and occupancy condition.

Code Enforcement:

No comments received.

Health Department:

C-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.

C-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.

C-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.

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

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

C-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.

C-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.

Recreation, Parks and Cultural Activities:
No comments received.

Police Department:
No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0071. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant and catering use at 107 N Fayette Street.

Applicant – Signature

11/8/16
Date

MEGHAN E. BARODY
Applicant – Printed

11/8/16
Date