



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 #2019-0076

Approved by Planning and Zoning: October 10, 2019

Permission is hereby granted to: Imperio, LLC

to use the premises located at: 3901 Mount Vernon Avenue

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.

10/9/2019
Date

Karl Moritz (Signature)
Karl Moritz, Director
Department of Planning and Zoning

DATE: October 10, 2019

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

FROM: Max Ewart, Planner I, Land Use Services
Department of Planning and Zoning

SUBJECT: Special Use Permit #2019-0076
Administrative Review for a Change of Ownership
Site Use: Restaurant
Applicant: Imperio, LLC
Location: 3901 Mount Vernon Avenue
Zone: NR/Neighborhood Retail Zone (Arlandria)

Request

Special Use Permit #2019-0076 is a request for a change of ownership to operate a restaurant at 3901 Mount Vernon Avenue, previously known as Lillians, from OAVAR's Inc. to Imperio, LLC. The applicant would operate the restaurant as Fanaticos Sports Bar and Grill and it does not propose any additional changes to the operation.

The operational details previously approved through Special Use Permit #2007-0069 which would continue under SUP #2019-0076 include:

Hours of Operation: Sunday through Thursday, 10 a.m. – midnight;
Friday and Saturday, 10 a.m. – 1 a.m.

Seating: 300 indoor seats

Alcohol: On-premises alcohol sales are permitted

Live Entertainment: No more than a four piece instrumental and singing group on the first floor only. Live entertainment and a dance floor will not be offered in the basement of the restaurant.

Background

On March 13, 1999, City Council approved SUP #99-008 for the operation of a restaurant. Special Use Permit #2000-0138 was approved by City Council on September 15, 2001, to allow for live entertainment on the first floor of the restaurant, to increase the hours of operation, to provide outdoor dining and to offer an annual outdoor event. On April 13, 2002, City Council approved SUP #2002-0001 to allow for an increase in the hours of operation. A subsequent SUP request for a dance floor was denied by City Council in 2003. Most recently, City Council approved SUP #2007-0069 in September 2007 to allow for later closing hours.

The previous business had several interactions with law enforcement, culminating in the 2003

SUP request being denied by City Council. Before the review of SUP #2007-0069, staff inspected the property and found that there were no violations of the conditions of the special use permit. Since then, residents notified staff of several instances that claimed the business was operating as a nightclub, a violation of SUP Condition #4. Zoning inspectors visited the restaurant after each complaint and did not find evidence of nightclub activity. An SUP zoning inspection was conducted recently and the business was in compliance with its SUP conditions.

Parking

Section 8-200(A)(17)(b) of the Zoning Ordinance requires the applicant to provide one parking space for every 1,000 square feet of floor area. The applicant would be required to provide nine parking spaces. The 59-space shared parking lot to the north of the subject site would be able to accommodate the required parking.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. In addition, The Arlandria Civic Association, The Hume Springs Citizens, North Ridge Citizens and Del Ray Citizens Association were sent an email notification of the current application. A resident contacted staff regarding the subject site’s history with law enforcement and mentioned that a night club operation existed in the basement of the restaurant. Zoning inspectors visited the site on two occasions for this SUP review and found no evidence of a night club. Nonetheless, the applicant was reminded of the limitations for live entertainment, as outlined in Condition #4.

Staff Action

Staff supports the applicant’s request for a change of ownership at 3901 Mount Vernon Avenue. The new restaurant would continue to occupy commercial space in an established neighborhood business center. Staff has carried over conditions from the previously approved Special Use Permit, updating those that are no longer relevant. Condition #14 is a duplicate to Condition #21 and Conditions #15 and #18 had been satisfied and deleted. Staff has also amended and added Conditions #26-34 to represent present-day standard condition language for restaurant uses.

Staff hereby approves this special use permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 10, 2019
Action: Approved



Tony LaColla, AICP, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2019-0076

The applicant 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 #99-008)
2. Seating shall be provided inside for no more than 300 patrons. (P&Z) (SUP #99-008)
3. Outside dining facilities may be provided in a manner consistent with the plan dated August 28, 2001, provided that alternative flood proofing to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services is provided. (PC) (SUP #2000-0138)
4. Live entertainment may be provided at the restaurant and shall be limited to a three or four piece instrumental and singing group on the first floor only. No live entertainment and no dance floor shall be provided in the basement of the restaurant. (P&Z) (SUP #2000-0138)
5. The hours of operation shall be limited to between 10:00 a.m. and 1:00 a.m. on Fridays and Saturdays and until Midnight Sunday through Thursday. The hours of operation of the outdoor dining area shall be limited from 10:00 a.m. to 10:00 p.m. daily. The outdoor dining area shall be cleared of all diners by 10:00 p.m. and shall be cleaned and washed by 10:30 p.m. After a satisfactory one year review, operating hours may be extended to be commensurate with other retail in the area, subject to approval by both the Police department and the Planning and Zoning director. If administrative approval is granted for an increase in hours of operation, the applicant shall schedule meetings with surrounding residential neighbors once every two months for the first six months of operation, and then regularly as needed and/or requested by the neighborhood or applicant thereafter, to identify and address any neighborhood impact issues. (P&Z) (City Council) (SUP #2007-0069)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #99-008)
7. The applicant may serve beer, wine and liquor for on premises consumption only. (P&Z) (SUP #99-008)
8. The applicant may not provide alcohol service to standing customers. (P&Z) (SUP #99-008)
9. No food, beverages or other material shall be stored outside. (P&Z) (SUP #99-008)
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 #99-008)

11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #99-008)
12. The applicant shall control cooking odors and 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 and Environmental Services. (T&ES) (SUP #2002-0001)
13. 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 #99-008)
14. **DUPLICATE CONDITION DELETED BY STAFF (see Condition #21):** ~~No music or amplified sound shall be audible at the property line. (P&Z) (SUP #99-008)~~
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 robbery awareness program for employees. (Police) (SUP#2003-0056)~~
16. The applicant shall comply with any requirements adopted as a part of a smoke-free restaurant ordinance. (P&Z) (SUP #2007-0069)
17. Condition deleted by staff. (P&Z) (SUP #2007-0069)
18. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall obtain at their expense, one Model SD-42 Bethesda Ironside Series trash container to replace existing container located on the adjacent located on the adjacent right of way. (T&ES) (SUP #2000-0138)~~
19. **CONDITION AMENDED BY STAFF:** The outdoor community event as described by the applicant shall be coordinated through the City of Alexandria Recreation, Parks and Cultural Activities via a Special Events Permit ~~Special Events Committee~~. Not more than one event shall occur annually and the hours of operation of the event shall be restricted to between 10:00 a.m. and 6:00 p.m. (Police) (P&Z) (SUP #2000-0138)
20. The outdoor event shall occur only in the on-site parking lot located to the north of the building and only with the permission of the owner of the property. (P&Z) (SUP #2000-0138)
21. No music or other amplified sound shall be audible at the property line and no speakers or entertainment be permitted outside of the building without first obtaining a noise permit from T&ES Division of Environmental Quality. (T&ES) (SUP #2000-0138)
22. The applicant shall apply for a temporary food event permit from the Health Department at least two weeks prior to the event. (Health) (SUP #2000-0138)

23. 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 #2000-0138)
24. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all Special Use Permit provisions and requirements. (P&Z) (SUP #2007-0069)
25. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year ~~six to twelve months after this 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, (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) (City Council) (SUP #2007-0069)
26. **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)
27. **CONDITION ADDED BY STAFF:** Food delivery operated and managed by the applicant shall not be permitted. (P&Z)
28. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (P&Z)
29. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)
30. **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)
31. **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)
32. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)

33. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)

34. **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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0076. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant at 3901 Mount Vernon Avenue.


Applicant - Signature

11/20/19
Date

Juan Hernandez
Applicant - Printed

11/20/19
Date