

*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 #2019-0086

Approved by Planning and Zoning: November 21, 2019

Permission is hereby granted to: Alemseged Gebreyesus

to use the premises located at: 5101 Seminary Road

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.

11/21/2019  
Date

Karl Moritz (by JF)  
Karl Moritz, Director  
Department of Planning and Zoning

DATE: November 21, 2019

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

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

SUBJECT: Special Use Permit #2019-0086  
Administrative Review for New Use  
Site Use: Restaurant with Outdoor Dining  
Applicant: Alemseged Gebreyesus  
Location: 5101 Seminary Road  
Zone: CDD #21/Coordinated Development District - Beauregard

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### **Request**

Special Use Permit #2019-0086 is a request to operate a restaurant with 32 indoor seats and 20 outdoor seats at 5101 Seminary Road. An approximately 1,200 square-foot building and a 13-space surface parking lot are situated on the subject site. The applicant proposes to operate the restaurant with table, carry-out and delivery services and would serve breakfast, lunch and dinner. The applicant proposes to have one delivery driver who would park on-site when the delivery service is not in use. The 20 outdoor seats would be located at the rear of the building, opposite the parking area. The hours of operation would be from 6 a.m. to 12 a.m., daily. The applicant would not offer live entertainment or off-premises alcohol sales.

Elements of the proposal include:

Proposed Hours of Operation: 6:00 a.m. to 12:00 a.m., daily

Proposed Seating: 32 indoor seats and 20 outdoor seats

Alcohol: On-premises alcohol sales are proposed

Live Entertainment: No live entertainment proposed

Employees per Shift: Eight

Noise: Minimal noise is expected

Odors: Minimal odors from a restaurant are expected

### **Background**

The subject site at 5101 Seminary Road has operated as several different types of businesses over time. On October 17, 1992, City Council approved SUP #2622 to operate a convenience store at the site. This SUP remained active until City Council approved SUP #2755 on January 22, 1994

for a dry-cleaning business that was required to be reviewed by City Council after one year. City Council subsequently approved SUP #94-0367 as a review of SUP #2755, allowing the applicants to continue operating the dry-cleaning business. On October 10, 2014, staff administratively approved a request to operate a retail market via a market letter of agreement. Staff approved another market letter of agreement on December 22, 2017 for a different applicant to operate an international retail market.

There have been no zoning violations at the subject site.

**Parking**

Section 8-200(A)(17)(a) of the Zoning Ordinance requires restaurants in the enhanced transit area to provide one parking space for every 1,000 square feet of floor area. The approximately 1,200 square-foot establishment would be required to provide a minimum of two parking spaces. The 20 outdoor seats are exempt from additional parking requirements per Section 8-200(A)(17)(c) of the Zoning Ordinance. One space is required for the delivery vehicle. A total requirement of three parking spaces can be satisfied by the 13-space surface parking lot.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Seminary West Civic Association was sent an email notification of the current application. Staff did not receive any comments regarding the application.

**Staff Action**

Staff supports the applicant's request for a restaurant at this location. The proposal would fill a commercial space that has recently become vacant. Staff has included standard restaurant conditions in the SUP report.

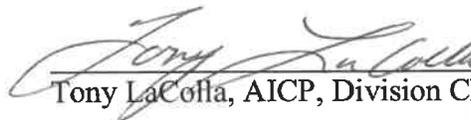
The Beauregard Small Area Plan indicates that this area is designated to be redeveloped with a combination of traffic infrastructure and a hotel. Staff has included Condition #26, requiring an administrative review after five years to assess the compatibility with the surrounding area and to docket the case for City Council review after 10 years.

Staff hereby approves this special use permit request.

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

Date: November 21, 2019

Action: Approved

  
Tony LaColla, AICP, Division Chief

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

### **CONDITIONS OF SPECIAL USE PERMIT #2019-0086**

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The applicant shall have 32 indoor seats and the maximum number of outdoor seats shall be 20. (P&Z)
3. The hours of operation for the restaurant shall be 6:00 a.m. to 12:00 a.m., daily. All patrons must leave the premises one hour after closing. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. No live entertainment shall be permitted at the restaurant. (P&Z)
6. On-premises alcohol sales are permitted. The applicant is not permitted to sell alcohol for off-premises consumption. (P&Z)
7. No food, beverages, or other material shall be stored outside with the exception of materials specified in other conditions. (P&Z)
8. Customer delivery is permitted for one delivery vehicle. Delivery vehicles shall be parked in off-street parking spaces. (P&Z)
9. 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)
10. 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. 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)
11. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
12. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
13. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

14. 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)
15. 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)
16. 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)
17. 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)
18. 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)
19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
20. The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line. (T&ES)
21. The applicant shall require its employees who drive to use off-street parking. (T&ES)
22. 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)
23. 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)

24. 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)
25. The Special Use Permit shall be reviewed by the Director of Planning and Zoning, with notice to the community, in November 2024, in order to assess the redevelopment potential of the site and compatibility of the use with other uses in the area. If the Director determines the use to be incompatible with the surrounding uses or anticipated redevelopment, the Director shall docket the Special Use Permit for Planning Commission and City Council to take such action as they deem appropriate at the time. Notwithstanding the staff review, City Council shall review the Special Use Permit in November 2029 in order to assess redevelopment potential of the site and the compatibility of the use with other uses in the area to take such action as they deem appropriate at the time. (P&Z)
26. 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 & Environmental Services:

- R-1 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
  
- R-2 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
  
- R-3 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-4 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-5 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-6 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-7 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-8 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
  
- R-9 The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line. (T&ES)

- R-10 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-11 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-12 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-13 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 email 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 a 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 Enforcement:

- C-1 A building permit and plan review are required prior to the start of construction.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

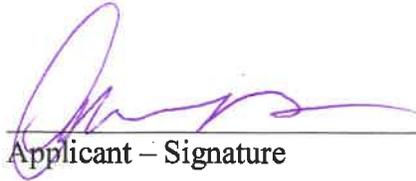
No comments received.

Fire:

C-1 A fire prevention permit will be required for this use group, assembly.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2019-0086. The undersigned also hereby agrees to obtain all applicable licenses and permits required for a restaurant use at 5101 Seminary Road.

  
Applicant – Signature

2/10/19  
Date

Armenia Cepkova  
Applicant – Printed

2/10/2019  
Date