

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 #2024-00008

Approved by Planning and Zoning: February 22, 2024

Permission is hereby granted to: Mary Ann Settlemyre

to use the premises located at: 1504 B 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.

February 22, 2024

Date

Karl Moritz (by P. Silva)

Karl Moritz, Director
Department of Planning and Zoning

DATE: February 22, 2024

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

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2024-00008
Administrative Review for Change of Ownership and Minor Amendment
Site Use: Restaurant with Outdoor Dining
Applicant: Mary Ann Settlemyre
Location: 1504 B Mount Vernon Avenue
Zone: CL/Commercial Low

Request

Special Use Permit #2024-00008 is a request for a change of ownership of a restaurant from Dutpiz, Inc to Mary Ann Settlemyre and for a minor amendment to add outdoor dining on private property. The applicant will begin to operate the business under the name Benny Diferza's and will continue to specialize in pizza cuisine. The applicant will add between eight and ten seats of outdoor dining on private property located immediately in front of the restaurant along Mount Vernon Avenue which will not encroach into the public right of way. No other changes are proposed.

Background

The use in question is located within a commercial tenant space addressed as 1504 B Mount Vernon Avenue on the parcel separately addressed as 1502 Mount Vernon Avenue. The first Special Use Permit approval for this parcel was for a rug cleaning business that was approved by City Council through SUP0184 in March 1955. The first use requiring Special Use Permit approval to operate at the subject site of 1504 B Mount Vernon Avenue was for a restaurant known as Sicilian Pizza which was approved via City Council's approval of Special Use Permit #2016-00030 in June 2016. Most recently, in April 2019, City staff administratively approved Special Use Permit #2019-00003 for a change of ownership of the restaurant Special Use Permit for 1504 B Mount Vernon Avenue from Kenan Yavuz to Dutpiz, Inc.

Parking

Section 8-200(A)(17)(a)(i) of the Zoning Ordinance requires restaurants located within the City's Enhanced Transit Area to provide a minimum of one parking space for 1,000 square feet of space. In addition, Section 8-200(A)(17)(c) of the Zoning Ordinance requires that restaurants with outdoor dining count each outdoor seat over 20 as 15 square feet for purposes of calculating an off-street parking requirement. As the applicant is proposing a maximum of 10 outdoor seats, these would all be exempt from being factored into an off-street parking requirement. With approximately 1,500 square feet of floor area occupied by the use, the applicant's off-street parking requirement is two spaces. However, Section 8-100(A)(9) of the Zoning Ordinance states that

nonresidential uses that have a parking requirement of two spaces or less shall be exempt from providing the spaces. Thus, the applicant is exempt from needing to provide off-street 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 Del Ray Civic Association was sent an e-mail with information about the current application. No comments or concerns have been received.

Staff Action

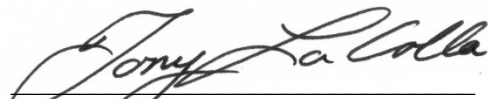
Staff does not object to the Change of Ownership request as the subject restaurant has operated in its current location for many years with no issues or negative impacts in a commercial area where many other restaurants currently operate with similar success. In addition, staff does not object to the minor amendment to add outdoor dining as many other nearby restaurants operate outdoor dining with little to no issues as well as the fact the Mount Vernon Avenue Business Area Plan encourages restaurants with outdoor dining.

Special Use Permit conditions will be carried over from Special Use Permit #2019-00003. However, several conditions have been amended, added, or deleted in order to reflect the current standard Special Use Permit conditions for a restaurant. This includes amendments to existing Conditions #2, #4, #5, #6, #7, #15, and #21 as well as new Conditions #28, #29, #30, #31, and #32.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: February 22, 2024
Action: Approved



Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT # 2024-00008

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) (SUP#2016-0030)
2. **CONDITION AMENDED BY STAFF:** ~~The dine in and carry out hours of operation shall be limited to between 11 a.m. and 12 midnight, daily. Delivery service shall be allowed to operate until 1 a.m., daily. Meals ordered before the closing hour may be served or delivered, but no new patrons may be admitted or orders placed, and a~~All patrons must leave the premises by one hour after the closing hour. (P&Z) (SUP#2016-0030)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2016-0030)
4. **CONDITION AMENDED BY STAFF:** ~~Not more than two d~~Delivery vehicles operated and managed by used to deliver food and beverages to customers shall operate from the restaurant at any one time. The applicant are permitted. Delivery vehicles must be parked ~~the delivery vehicles in an off-street parking space when located in the vicinity of the restaurant~~ when not in use. (P&Z) (SUP#2016-0030)
5. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall be 15 ~~comply with the state building code.~~ (P&Z) (SUP2019-00003)
6. **CONDITION AMENDED BY STAFF:** Live entertainment is not permitted, as defined in Section 2-164.1. (P&Z) (SUP#2016-0030)
7. **CONDITION AMENDED BY STAFF:** On and off premises alcohol sales are shall be permitted in compliance with VirginiaABC requirements. (P&Z) (SUP2019-00003)
8. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP2019-00003)
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, and on how to prevent underage sales of alcohol. The applicant shall require employees to be sensitive to noise affecting residents (i.e. during shift changes, activity after 11 p.m., and other outdoor activities in which unreasonable noise may carry and disrupt nearby residences). (P&Z) (SUP2019-00003)
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 the

containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and replacing/repairing damaged dumpsters. (P&Z) (SUP2019-00003)

11. 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) (SUP#2016-0030)
12. The applicant shall control 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) (SUP#2016-0030)
13. 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) (SUP#2016-0030)
14. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES) (SUP#2016-0030)
15. **CONDITION AMENDED BY STAFF:** ~~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) (SUP2019-00003)
16. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP#2016-0030)
17. Condition deleted by staff.
18. 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 Del Ray Parking Study. (T&ES) (SUP#2016-0030)
19. Condition deleted by staff.
20. 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 unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP#2016-0030)
21. **CONDITION AMENDED 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 at 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) (SUP2019-00003)
22. 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) (SUP2019-00003)
 23. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP2019-00003)
 24. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP2019-00003)
 25. 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) (SUP2019-00003)
 26. 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) (SUP2019-00003)
 27. 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) (SUP2019-00003)
 28. **CONDITON ADDED BY STAFF:** The number of outdoor seats shall be 10 and outdoor dining, including all its components such as planters, wait stations and barriers, shall not encroach onto the public right of way unless authorized by City Code Section 5-2-29. (P&Z)
 29. **CONDITION ADDED BY STAFF:** Outdoor seating areas shall not include signage on outdoor dining furniture or enclosures, including on umbrellas. (P&Z)
 30. **CONDITION ADDED BY STAFF:** The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)

31. **CONDITION ADDED BY STAFF:** Limited, live entertainment may be offered and must comply with the city's noise ordinance. 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. (P&Z)

32. **CONDITION ADDED BY STAFF:** The outdoor dining shall be closed and cleared of all customers by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. on Friday and Saturday. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 TES/OEQ conditions include carrying forward the following conditions from SUP2019-00003 with this approval

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)

Code Enforcement:

F-1 The occupant loads are not clear, the application show 22, but the plans show more than 22 occ. Please clarify at the time of building permit submission

Parks and Recreation:

No comments or concerns.

Police Department:

No comments received.

Health Department:

No comments or concerns.

Fire Department:

F-1 The change of ownership will require a fire prevention permit. No comments or concerns about the outdoor dining.

SUP2024-00008
1504 B Mount Vernon Avenue

Application can be accessed online at:
www.alexandriava.gov/fire-department/the-fire-marshals-office.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-00008. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1504 B Mount Vernon Avenue.


Applicant Signature

03/06/24
Date

Mary Ann Settemyres
Applicant - Printed

03/06/24
Date