

DATE: August 18, 2023

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

FROM: Mavis Stanfield, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00053
Administrative Review for a New Use
Site Use: Restaurant and Outdoor Dining
Applicant: Pupatella RD II, LLC
Location: 700 Slaters Lane
Zone: CG/Commercial general zone

Request

Special Use Permit #2023-00053 is a request for a New Use for a restaurant and 39 seats of outdoor dining. The 570-square foot outdoor dining area on private property is proposed to be in the front of the building, facing West Abingdon Drive. The pizza restaurant would operate daily from 11:30 a.m. to 9 p.m., Sunday through Thursday, and from 11:30 a.m. to 10 p.m. on Friday and Saturday. It would serve approximately 25 people for lunch and 80 people for dinner. The restaurant would have six employees for lunch and 12 for dinner.

Background

Real estate records indicate that the building on the subject property was constructed in 1960 and was most recently occupied by a drycleaning business. Records reflect that the drycleaning business was established in 1985 and prior to that time the property was used as a gas station.

The property is located in the Old and Historic Alexandria Historic District. As such, any exterior changes will require Board of Architectural Review (BAR) approval.

Parking

Pursuant to Section 8-200 (A)(17)(a)(i) of the Zoning Ordinance, a restaurant use located within the City's Enhanced Transit Area is required to provide a minimum of 1.0 space per 1,000 square feet of gross floor area. The proposed restaurant contains 2,004 square feet of floor area. Section 8-200 (A)(17)(c) waives the parking requirement for the first 20 outdoor dining seats. Each seat over 20 is calculated as 15 square feet each to determine the parking requirement. Nineteen seats over 20 exist, amounting to an additional 285 square feet to consider toward the parking requirement. As the parking requirement is based on a total area of 2,289 the parking requirement is three spaces. The three-space parking requirement is met by the 10 space parking lot on the property.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. Staff has not received any inquiries or comments regarding the application.

Staff Action

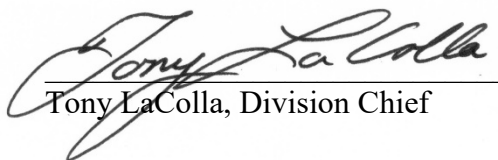
Staff supports the application for a new use of a restaurant with outdoor dining on this property. The use will revitalize a long-term vacant building and will be an amenity for the immediate area, offering residential and commercial neighbors convenient access to a local restaurant. In Condition #4, staff allows outdoor daily hours of operation of 11 a.m. to 11 p.m., which are permitted through administrative SUP standards and to provide flexibility to the applicant, should they desire a change in hours of operation in the future.

Other standard conditions have been included that address issues such as odors, storage of trash, utilization of public transportation, sanitation, and indoor limited live entertainment. The maximum of 40 outdoor dining seats is stated in Condition #5 as this is the number than can be approved administratively.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: August 18, 2023
Action: Approved

 ADH
Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT # 2023-00053

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 maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z)
3. For indoor restaurant, no new meals may be ordered and no alcohol served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
4. The hours of operation for outdoor dining shall be limited to between 11 a.m. to 11 p.m., daily. The outdoor dining area shall be closed and cleared of all customers by 11 p.m. The outdoor seating area shall not include signage on umbrellas. (P&Z)
5. The outdoor dining areas shall be cleaned and washed at the close of each business day that they are in use. (P&Z)
6. The number of outdoor seats shall not exceed 40 and shall not encroach into the public right-of-way. (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. 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 or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
9. Indoor 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)
10. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z)
11. The applicant shall require its employees to use off street parking. (T&ES)
12. On and off-premise alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z)

13. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (P&Z)
14. 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)
15. Trash and garbage shall be stored inside or in sealed containers which do not allow odors to escape, invasion by animals, or leaking. 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. (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. (P&Z)
17. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
18. 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)
19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
20. 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)
21. 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. (T&ES)
22. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)
23. 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. (T&ES)

24. 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. (T&ES)
25. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
26. 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)
27. All patrons must leave the premises one hour after the closing hour. (P&Z) (T&ES)
28. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
29. 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 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 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)
- 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 about available resources. (T&ES)
- R-4 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)
- R-5 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. (T&ES)
- R-6 Patrons to be clear of outdoor seating area by 11pm, when permissible noise levels, per the noise code, decrease. (T&ES)
- R-7 Chemicals, detergents, or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-8 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)

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)

Code Enforcement:

No comments received.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

No comments received.


Fire:

- C-1 A fire prevention permit and a total occupant load is required for this new use. Applicant shall submit a fire prevention permit application that will result in an inspection by the Fire Marshal's office. Application can be accessed online at:

www.alexandriava.gov/fire-department/the-fire-marshals-office

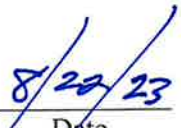
STATEMENT OF CONSENT

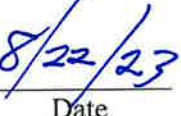
The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00053. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 700 Slaters Lane.



Applicant - Signature
Attorney/Agent for Applicant
G. Even Pritchard

Applicant - Printed



Date


Date