

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 #2024-00012

Approved by Planning and Zoning: April 5, 2024

Permission is hereby granted to: Talat Omar

to use the premises located at: 3100 Richmond Highway

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.

April 5, 2024

Date

Karl Moritz (by P. Silva)

Karl Moritz, Director
Department of Planning and Zoning

DATE: April 5, 2024

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

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

SUBJECT: Special Use Permit #2024-00012
Administrative Review for Change of Ownership
Site Use: Restaurant with outdoor dining
Applicant: Talat Omar
Location: 3100 Richmond Highway
Zone: CDD #24/Coordinated Development District #24

Request

Special Use Permit #2024-00012 is a request to change the ownership of a restaurant with outdoor dining at 3100 Richmond Highway from Mohammad Ali Subzwari to Talat Omar. The business plans to operate under the trade name of Omar's Pitas & Platters and will begin specializing in Middle Eastern style cuisine serving lunch and dinner. The applicant will operate the restaurant between the hours of 11 a.m. to 11 p.m., Sunday through Thursday, and 11 a.m. to 1 a.m., Friday through Saturday. No additional changes to the operation of the business are planned.

Background

A restaurant has operated in this location since at least August 1963 when a restaurant known as Weenie Beenie Carry Out began operating here. In 1984, City Council granted Special Use Permit #1674 allowing an expansion of the restaurant to the building that exists at the site today. In 1994, City Council approved Special Use Permit #1674-C to change ownership of the restaurant and add indoor seating and the restaurant was rebranded as Marino's Pizza & Subs. In December 2001, City Council approved and granted Special Use Permit #2001-00068 to extend the hours of operation and add outdoor seating to the existing restaurant. In March 2011, City Council approved Development Special Use Permit #2010-00004 for the construction of an additional 2,547 square foot building at the subject site to be used as an additional restaurant, but construction never commenced. As the aforementioned approval approached its expiration date, in February 2015, City Council approved Development Special Use Permit #2014-00005 to extend the approval of the previous DSUP approval to November 2016. However, construction never began and the approval expired. Most recently, in December 2020, staff administratively approved Special Use Permit #2020 for a change of special use permit ownership from Ather Subzwari to Mohammad Ali Subzwari.

Parking

Pursuant to Section 8-200 (A)(17)(a)(i) of the Zoning Ordinance, the restaurant is required to provide a minimum of one parking space for every 1,000 square feet of floor area and up to a maximum of three spaces for every 1,000 square feet. With 1,002 feet of indoor space, the

minimum parking requirement is 2 spaces. All 12 outdoor dining seats are exempt from the parking requirement as stipulated in Section 8-200 (A)(17)(c). Pursuant to Section 8-100(A)(9) of the Zoning Ordinance, nonresidential uses that have a parking requirement of two spaces or less shall be exempt from providing the spaces. However, the applicant does meet the requirement by providing 11 off-street parking spaces.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. In addition, the Lynhaven Civic Association was sent notification of the current application. Staff received one public comment regarding the request, in which support for the request was expressed. No other comments were received.

Staff Action

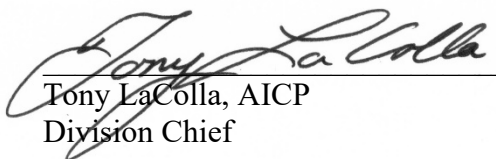
Staff does not object to the request for a change of ownership for the restaurant as one has operated successfully at this location for many years with little to no negative impacts on the surrounding neighborhood.

However, a number of Special Use Permit conditions have been amended, deleted, or updated to bring the approval into compliance with current standard Special Use Permit conditions of approval for restaurants with outdoor dining. This includes amendments to Conditions #2, #5, #7, #8, #10, #11, #13, #14, #24, 27, and #31, the deletion of Conditions #6 and #34, and the addition of new conditions #35, #36, #37, and #38.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: April 5, 2024
Action: Approved


Tony LaColla, AICP
Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2024-00012

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2001-0068)
2. **CONDITION AMENDED BY STAFF:** ~~The hours during which the business is open to the public shall be restricted to between 8:00 a.m. and 1:00 a.m. Monday through Thursday, 8:00 a.m. to 2:00 a.m. Friday and Saturday, and between 10:00 a.m. to 1:00 a.m. on Sunday. The hours of the outdoor dining area shall be limited to between 10:00 a.m. and 10:00 p.m. daily. All patrons must leave the premises one hour after the closing hour. The outdoor dining area shall be cleared of patrons by 10:00 p.m. and cleaned, locked and scrubbed by 10:30 p.m. daily.~~ (P&Z) (PC) (SUP2020-00094)
3. At least two trash containers shall be located in the parking area for the use of patrons; the containers shall not be permitted to overflow, and the areas around them shall be kept clean. (P&Z) (SUP #2001-0068)
4. 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 daily and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2001-0068)
5. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP #2001-0068)
6. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #7:** ~~Trash and garbage shall be stored inside or in a dumpster.~~ (P&Z) (SUP #2001-0068)
7. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be ~~placed~~ stored inside or in sealed containers ~~which that~~ do not allow odors to escape, ~~and shall be stored inside or in a closed container which does not allow invasion by animals, or leaking.~~ No trash and 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) (SUP #2001-0068)
8. **CONDITION AMENDED BY STAFF:** Kitchen or other types of equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed onto the streets, alleys, sidewalks or storm sewers. (T&ES) (SUP #2001-0068)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2001-0068)

10. **CONDITION AMENDED BY STAFF:** ~~The number of outdoor seats shall be twelve outdoor seats may be provided and shall not encroach into the public right-of-way.~~ (P&Z) (SUP2020-00094)
11. **CONDITION AMENDED BY STAFF:** ~~Delivery service to customers shall be limited to a maximum of two delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use.~~ (P&Z) (SUP #2001-0068)
12. No employees or delivery vehicles shall park or load from Wesmond Drive or the public alley adjacent to the site. (P&Z) (SUP #2001-0068)
13. **CONDITION AMENDED BY STAFF:** ~~No indoor limited, live entertainment shall be provided at~~ 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) (SUP #2001-0068)
14. **CONDITION AMENDED BY STAFF:** ~~No on and off premises alcohol sales are permitted in compliance with Virginia ABC requirements.~~ (P&Z) (SUP #2001-0068)
15. The use of loudspeakers or musicians outside of the restaurant shall be prohibited. (T&ES) (SUP #2001-0068)
16. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP #2001-0068)
17. Condition deleted.
18. All landscaping shall be maintained. (P&Z) (SUP2020-00094)
19. The landscaping beds shall be maintained in such a way as to capture stormwater runoff from the parking area. (P&Z) (SUP2020-00094)
20. Condition satisfied and deleted.
21. Condition satisfied and deleted.
22. Condition satisfied and deleted.
23. Condition satisfied and deleted.

24. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after 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) (SUP2020-00094)
25. Condition satisfied and deleted.
26. Condition satisfied and deleted.
27. **CONDITION AMENDED BY STAFF:** 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) (SUP2020-00094)
28. 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) (SUP2020-00094)
29. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP2020-00094)
30. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP2020-00094)
31. **CONDITION AMENDED 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) (SUP2020-00094)
32. 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) (SUP2020-00094)
33. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (P&Z) (SUP2020-00094)
34. **CONDITION DELETED BY STAFF:** ~~The use must comply with the city's noise ordinance. (P&Z) (SUP2020-00094)~~

35. **CONDITION ADDED BY STAFF:** The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z)
36. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (T&ES)
37. **CONDITION ADDED BY STAFF:** The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
38. **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. (T&ES)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2024-00012. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 3100 Richmond Highway.

Talat Omar
Applicant - Signature

04/08/24
Date

Talat Omar
Applicant – Printed

04/08/24
Date