

EXHIBIT NO. 1

5
4-21-01

Docket Item #5
SPECIAL USE PERMIT #2001-0015

Planning Commission Meeting
April 3, 2001

ISSUE: Consideration of a review of a special use permit for a restaurant.

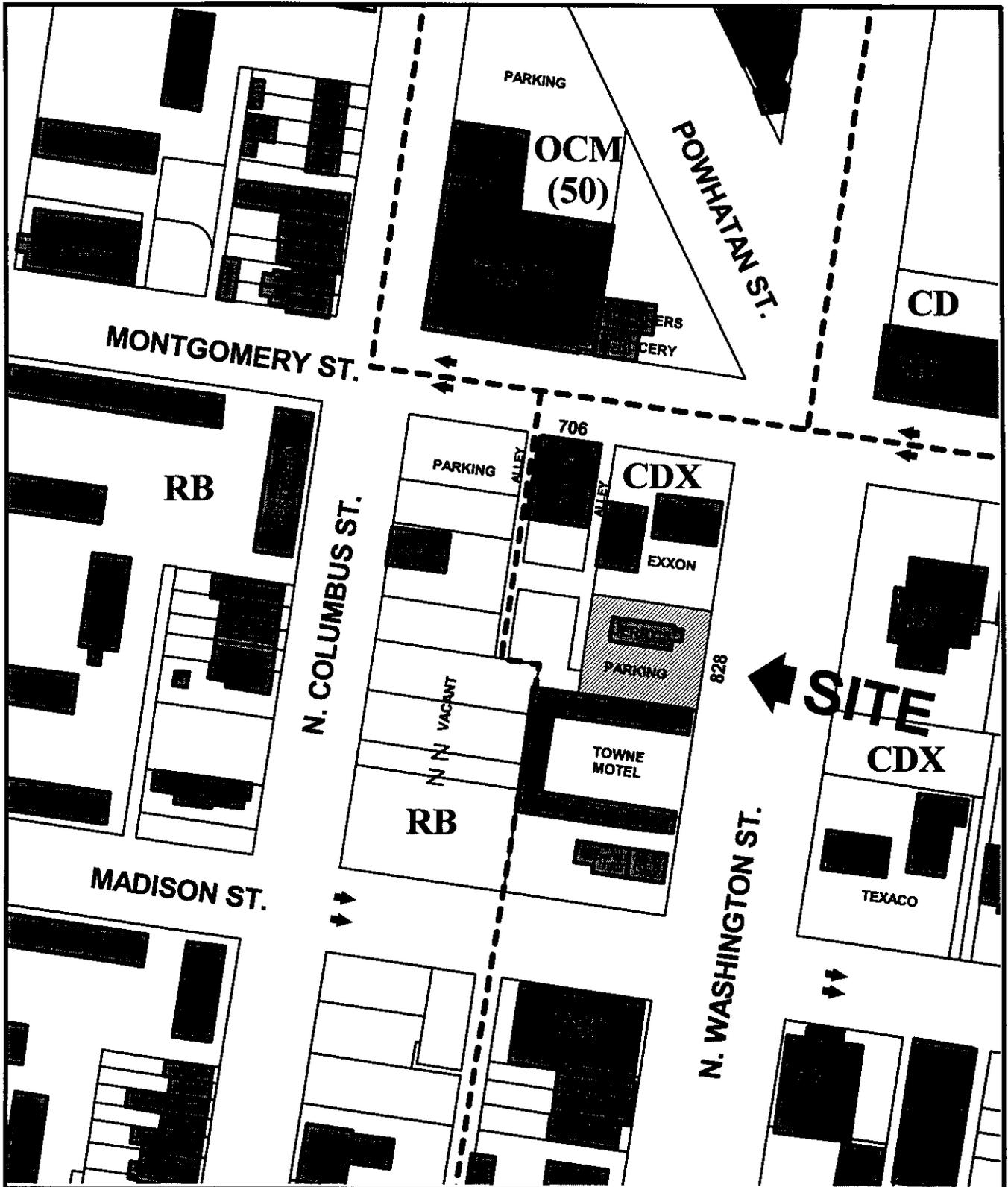
APPLICANT: Meldi Corporation, trading as Jerry's Subs and Pizza

LOCATION: 828 North Washington Street

ZONE: CD-X/Commercial Downtown (Old Town North)

PLANNING COMMISSION ACTION, APRIL 3, 2001: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



SUP #2001-0015

04/03/01



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

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 #2000-0024)
2. Seating shall be provided inside for not more than 22 patrons. (P&Z) (SUP #2000-0024)
3. Outside dining facilities may be located along the east side of the building for a maximum of nine patrons. This seating shall not encroach onto the public right-of-way. (P&Z) (T&ES) (SUP #2000-0024)
4. The hours of operation shall be limited from 10:00 a.m. to 11:00 p.m. Sunday through Thursday and from 10:00 a.m. to midnight on Fridays and Saturdays. The outdoor seating shall be cleaned and washed at the close of each day of operation. (P&Z) (SUP #2000-0024)
5. The design of the outdoor dining area and screening shall be to the satisfaction of the Director of Planning and Zoning after consultation with the Board of Architectural Review. (P&Z) (SUP #2000-0024)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2000-0024)
7. Delivery service shall be limited to a maximum of one passenger vehicle at any one time. (P&Z) (SUP #2000-0024)
8. There shall be no parking of delivery vehicles on the public right-of-way. (P&Z) (SUP #2000-0024)
9. The applicant shall also post a sign on the wall of the building indicating the direction of one-way traffic in the parking lot. (P&Z) (SUP #2000-0024)
10. On site alcohol service inside the restaurant is permitted; no off-premise sales or alcohol service outside the restaurant are permitted. (P&Z) (SUP #2000-0024)

11. The applicant may not deliver alcoholic beverages as part of his delivery services. (P&Z) (SUP #2000-0024)
12. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2000-0024)
13. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2000-0024)
14. The applicant shall obtain, at its expense, one standard City trash container for installation on the adjacent public right-of-way and shall contact T&ES Solid Waste division for information at (703) 751-5130. (T&ES) (SUP #2000-0024)
15. 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 #2000-0024)
16. 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 #2000-0024)
17. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z) (SUP #2000-0024)
18. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2000-0024)
19. 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 Health Department. (Health) (SUP #2000-0024)
20. No amplified sound shall be audible at the property line. (P&Z) (SUP #2000-0024)
21. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees. (Police) (SUP #2000-0024)

22. **CONDITION RETAINED 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, 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) (SUP #2000-0024)~~ (P&Z)
23. The dumpster shall be screened and maintained in good condition. (PC) (SUP #2000-0024)

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.

DISCUSSION:

1. The applicant, Meldi Corporation, trading as Jerry's Subs and Pizza, by Mohammad Malik, is before the Planning Commission for a review of the special use permit for a restaurant located at 828 North Washington Street.
2. The subject property is one lot of record with 79 feet of frontage on North Washington Street, approximately 90 feet of depth and a total lot area of approximately 7,110 square feet. The site is developed with the former Little Tavern restaurant and is located in the Parker-Gray Historic District.

To the north is an Exxon service station. To the east across North Washington Street is Wendy's restaurant and a Texaco service station. To the west behind the building is vacant land.

3. A restaurant has operated in this location since at least 1963 and has been known as the Little Tavern, Park's Tavern, Hogs on the Hill, and presently as Jerry's Subs & Pizzas. On April 15, 2000, City Council granted Special Use Permit #2000-0024 to the applicant to allow delivery service which had not been included in the prior grandfathered rights of the restaurant.
4. On February 2, 2001, staff made an inspection of the subject property to determine if the applicant was in compliance with the conditions of the special use permit. Staff observed two violations of the permit conditions, issued a citation, and docketed the permit for review by the Planning Commission and City Council. Specifically, staff observed that the one way sign required to be posted on the side of the building pursuant to Condition #9 was not posted. In addition, staff determined that the applicant had not obtained the standard City trash container as required by Condition #14.

Staff has reinspected the property and observed the required one way signage and trash container.

5. No changes are proposed to the operation of the restaurant.

6. Zoning: The subject property is located in the CD-X/ Commercial downtown zone (Old Town North). Section 4-603(U) of the zoning ordinance allows a restaurant in the CD-X zone only with a special use permit.
7. Master Plan: The proposed use is consistent with the Old Town North small area plan chapter of the Master Plan which designates the property for commercial downtown uses.

STAFF ANALYSIS:

Staff has no objection to the continued operation of the existing Jerry's Subs and Pizza restaurant located at 828 North Washington Street. With the exception of the violations staff noted above, staff knows of no other complaints from City residents or other departments. Staff has retained the condition requiring a review of the restaurant one year from this approval in order to ensure that the restaurant complies with the permit conditions. With this condition, staff recommends approval of the special use permit.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 Applicant has complied with the T&ES recommendation to obtain a city trash container for the adjacent right-of-way.

Code Enforcement:

F-1 No comments.

Health Department:

F-1 No objection to continued use.

Police Department:

F-1 The security survey and robbery awareness program have been completed.

APPLICATION for SPECIAL USE PERMIT # 2001-0015

[must use black ink or type]

PROPERTY LOCATION: 828 N. WASHINGTON ST

TAX MAP REFERENCE: 54.04-02-04 ZONE: CD-X

APPLICANT Name: MELDI CORPORATION, T/A JERRY'S SUBS + PIZZA

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: REVIEW of RESTAURANT

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

MOHAMMAD MALIK
Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone #

Fax #

City and State

Zip Code

Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314

NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

February 02, 2001 Friday 11:20am
Date ticket served Day of Week Time AM/PM

Location of Violation: 828 N. Washington

Ord. Section: 11-505

Description of Violation: Condition #9 (applicant shall post sign on building wall indicating the direction of one-way traffic; condition #16 (litter on site within 75 feet of premises)

Penalty \$: 50.00

- 1st
- 2nd
- 3rd/MORE
-

IF THE VIOLATION IS NOT CORRECTED BY Feb 12, 2001 AN ADDITIONAL MONETARY PENALTY WILL BE ASSESSED.

Melvin C. Johnson 102
Inspector's Signature ID Number

I personally observed or investigated the commission of the violation noted above and/or violation was based upon signed affidavit.

- VIIATORS COPY - WHITE
- CITY ATTORNEY COPY - YELLOW
- FINANCE COPY - PINK
- PLANNING AND ZONING COPY - ORANGE

NOTICE SERVED ON: SUP 2000-0024

NAME: LAST FIRST MIDDLE

PROPERTY OWNER
 COMPANY *Service Subs and*

NAME *Pizza+*

POSITION

OTHER

828 North Washington St.

ADDRESS *Alexandria Va*

CITY/TOWN STATE ZIP

SIGNATURE DATE

I hereby acknowledge receipt of this Notice of Violation. Signature is not an admission of guilt.

PERSON REFUSED TO SIGN DATE

CERTIFICATE OF SERVICE

Mailed/posted a true copy of this notice to the last known home or business address of the respondent or the respondent's agent

Name of Person or Business Served

Address of Service

City/State

Posted true copy of this notice at the site of the infraction

The undersigned states that he/she is an employee of the City of Alexandria Department of Planning and Zoning and knows this Certificate of Service to be true to the best of his/her knowledge.

Signature _____

Print Name _____

Date Phone # _____

WARNING

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 15 DAYS OF THE DATE OF SERVICE IN ONE OF THE FOLLOWING WAYS

Z-01

TICKET NO. 2099

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and; (a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or (b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.

- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL PLANNING AND ZONING AT 703-838-4688

FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE WAS ISSUED

YOU MUST COMPLETE AND SIGN THIS CERTIFICATION:

ADMIT VIOLATION NO CONTEST CONTEST IN COURT

Name (print) _____
Street Address _____
City _____ State _____ Zip _____

I hereby certify under penalty of law, that I have answered as indicated above, and corrected or made substantial efforts to correct the violation that I have admitted or for which I have pleaded no contest.

Signature _____ Date _____

SUP 2000-0024

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City and State Zip Code

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 4/3/01 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: 4/21/01PH -- CC approved the Planning Commission recommendation.