DATE: May 20, 2011

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2011-0025
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Erkan Altunkaya
Location: 446-A Calvert Avenue
Zone: I / Industrial

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**Request**

Special Use Permit #2011-0025 is a request to change ownership of an existing restaurant from Murat Pacal to Erkan Altunkaya. No changes to the operation are proposed and the applicant will continue to serve pizzas and other Italian food for carry-out or delivery service. The restaurant will trade under the new name of Sicilian Pizza.

**Background**

On June 15, 1996, City Council approved Special Use Permit #96-0077 to Saver Pizza Inc. t/a Pizza Boli's for the operation of a restaurant with carry out. Staff administratively approved changes of ownership in 2005 and, in March 2010, to the existing business owner (SUP#2010-0005).

On May 12, 2011, staff visited the subject property and found no violations of the conditions of Special Use Permit #2010-0005, though staff did find illegal window signs and a wall sign that had been erected without a sign permit. The applicant has since removed all window signs and applied for a sign permit for the wall sign. Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

**Parking**

The Zoning Ordinance requires the restaurant of 1,320 square feet to provide four parking spaces. One additional parking space per delivery vehicle is also required. SUP#96-0077 approved the use of up to five delivery vehicles, although the current applicant has indicated that he does not intend to use more than three at any one time. The applicant provides a total of nine parking spaces, with three parking spaces on site and six spaces directly next door in the small lot to the rear of the Afghan Restaurant. Staff has received an up-to-date letter from the Afghan Restaurant re-confirming this arrangement.

**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 Citizens Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

**Staff Action**

Staff does not object to the applicant's change of ownership request and hereby approves the Special Use Permit.

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

Date: May 24, 2011
Action: Approved

Barbara Ross, Deputy Director

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

**CONDITIONS OF SPECIAL USE PERMIT #2011-0025**

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#96-0077)

2. No on-site consumption of food or beverages shall be permitted, and no seats or tables shall be provided for the use of dining patrons. (P&Z) (SUP#96-0077)

3. The hours of operation shall be limited to 11:00 A.M. to 1:00 A.M., Sunday through Thursday, and 11:00 A.M. to 2:30 A.M., Friday and Saturday. (P&Z) (SUP#96-0077)

4. No alcoholic beverages are permitted. (P&Z) (SUP#96-0077)

5. 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 more often if necessary at the close of business, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP#96-0077)

6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#96-0077)

7. 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#96-0077)

8. No customers, employees or delivery vehicles shall park on Calvert Street. (T&ES) (SUP#96-0077)

9. The hours of operation shall be posted at the entrance to the restaurant. (P&Z)(SUP#96-0077)

10. Kitchen equipment shall not be cleaned outside, nor shall cooking residuals be washed into the streets, alleys or storm sewers. (T&ES) (SUP#96-0077)

11. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for the business. (Police) ~~(SUP#2010-0005)~~

12. **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 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 a 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) ~~(SUP#2010-0005)~~

13. DUPLICATE CONDITION DELETED - See Condition #9. (SUP#2010-0005)

14. 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 and Environmental Services. (T&ES) (SUP#2010-0005)

15. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (P&Z) (T&ES) (SUP#2010-0005)

16. 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) (SUP#2005-0099)

17. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP#2005-0099)

18. A maximum of five delivery vehicles may operate from the restaurant, consistent with prior SUP approval. (P&Z) (SUP#2010-0005)

19. No live entertainment shall be permitted on premises. (P&Z) (SUP#2010-0005)

20. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP#2010-0005)

21. If at any time the applicant cannot meet required off-street parking on the site, he or she shall provide and maintain an up-to-date agreement that provides for the required number of off-street parking spaces for the restaurant use during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. The applicant shall post information regarding the

availability of parking for patrons in a conspicuous location within the restaurant and shall include such notice in any advertising. The applicant shall provide an up-to-date parking contract to the Director of Planning and Zoning on January 1st of each year. (T&ES) (P&Z) (SUP#2010-0005)

22. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2010-0005)

23. **CONDITION AMENDED BY STAFF:** The applicant shall provide a menu of list of foods to be handled at this facility to the Health Department. (Health) ~~(SUP#2010-0005)~~