

DATE: October 20, 2010

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

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2010-0056
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Titi's Corporation by Jose Mejia
Location: 3414 and 3414A Mount Vernon Avenue
Zone: CG / Commercial General

Request

Special Use Permit #2010-0056 is a request to change ownership of an existing restaurant from Tony Flores to Titi's Corporation. No other changes are proposed and the use will continue to operate as a carry-out restaurant with seats inside the adjacent retail grocery store.

Background

A carry-out restaurant has operated at this location since at least 1991. Several Special Use Permit applications, including changes of ownership, have been approved between 1991 and 2003. On December 16, 2003, City Council approved SUP# 2003-0097 to extend the hours of operation. On May 13, 2005, staff administratively approved SUP#2005-0023 to change ownership of the restaurant to Juan Flores. On September 13, 2008, City Council approved SUP#2008-0054 to change ownership of the restaurant to Tony Flores and to add 12 seats in the adjacent grocery store. Special Use Permit approval applies only to the restaurant space at 3414A Mount Vernon and the 12 seats in the adjacent grocery store at 3414 Mount Vernon but not to the grocery store use itself.

Both the restaurant and the adjacent retail grocery store have been closed for at least three months. Although the retail grocery store recently reopened, the restaurant is currently closed. Staff has not received any complaints that would require staff to docket the special use permit for public hearing.

Community Outreach


Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Arlandria Civic 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 lead staff to docket the special use permit for public hearing.

Staff Action

Staff had held this Special Use Permit request since late September while awaiting payment for a trash can as required in Condition #28. Staff received payment on October 20, 2010 and considers the issue to be resolved. Staff does not object to the change of ownership request and hereby approves the Special Use Permit.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 28, 2010
Action: Approved



Barbara Ross, Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT #2010-0056

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 issued to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)(SUP #2529)
2. The maximum number of restaurant seats shall be 12 and shall be located in the grocery store as shown on the interior floor plan submitted by the applicant. No seating for patrons shall be provided outside the premises. (P&Z) (SUP#2008-0054)
3. The hours during which the restaurant is open to the public shall be restricted to between 6:00 A.M. and 10:00 P.M. daily. (P&Z) (SUP#2005-0023)
4. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2529)
5. Condition deleted by staff. (P&Z) (SUP#2008-0054)
6. 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 or dumpster 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#2008-0054)
7. Litter on the site and adjacent 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 and unsanitary accumulation, on each day the business is open to the public. (P&Z) (SUP#2000-0048)
8. No delivery service shall be operated from this location. (P&Z) (SUP#2003-0097)
9. No on-premises alcohol sales shall be permitted at either the grocery store or the restaurant. No off-premises alcohol sales shall be permitted at the restaurant. (P&Z) (SUP#2008-0054)
10. The applicant shall work with the property owner, the other tenants in the shopping center and the City to maintain the lot in good condition. Existing landscaping shall be well maintained and be free of weeds, debris, and litter at all times. Dead or missing plants shall be replaced as needed. (P&Z) (SUP#2008-0054)
11. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2000-0048)

12. The applicant shall install at least one trash container within the restaurant and one trash container within the grocery store for customers' use. (P&Z) (SUP#2008-0054)
13. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees. (Police) (SUP#2003-0097)
14. Loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (P&Z)(T&ES) (SUP#2008-0054)
15. The applicant shall control cooking odors, smoke and any other air pollution from operation at the site to prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (P&Z) (SUP#2003-0097)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2000-0048)
17. Condition deleted. (P&Z) (SUP#2003-0097)
18. **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 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) (SUP#2005-0023)
19. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~Within 60 days of approval, the applicant shall either replace the messaging on the existing "Chirilagua Deli" sign located on the northern wall (end) of the carry-out restaurant or remove the name Chirilagua Deli or remove said sign entirely. Any new messaging on this sign shall advertise the existing restaurant only. All signs shall conform with the Mount Vernon Design Guidelines. (P&Z) (SUP#2008-0054)~~
20. The applicant shall require its employees to park in the parking lot behind the building. (P&Z) (SUP#2003-0097)

21. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2003-0097)
22. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all special use permit provisions and requirements. (P&Z) (SUP#2003-0097)
23. No live entertainment shall be provided at the restaurant. (P&Z) (SUP#2008-0054)
24. 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) (T&ES) (SUP#2008-0054)
25. **CONDITION AMENDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2008-0054)
26. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132.~~ (T&ES) (SUP#2008-0054)
27. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right of way. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of approval. Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.~~ (T&ES) (SUP#2008-0054)
28. Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners front property line. (Parks) (SUP#2008-0054)