

**DOCKET ITEM #5**  
**Special Use Permit #2009-0023**  
**50 S. Pickett Street**

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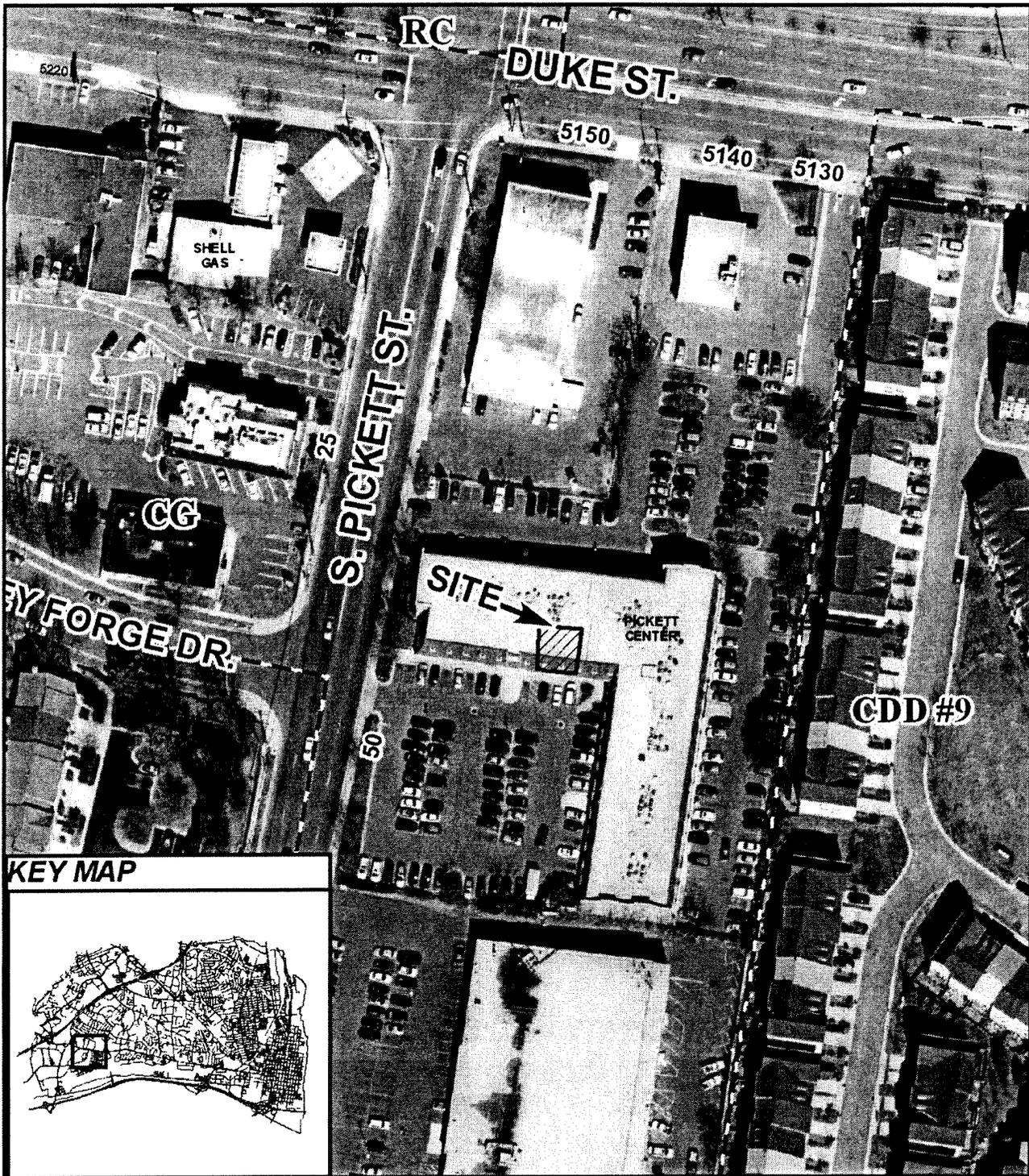
Application	General Data	
<b>Request:</b> Consideration of a Special Use Permit amendment to allow on-premises alcohol service at an existing restaurant.	<b>Planning Commission Hearing:</b>	May 7, 2009
	<b>City Council Hearing:</b>	May 16, 2009
<b>Address:</b> 50 S. Pickett Street	<b>Zone:</b>	CG/Commercial General
<b>Applicant:</b> Dahab Beyene	<b>Small Area Plan:</b>	Landmark/Van Dorn

**Staff Recommendation:** APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

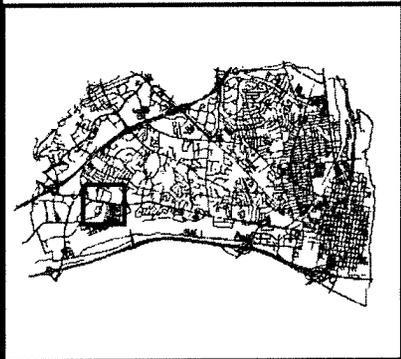
**Staff Reviewers:** Nathan Randall [nathan.randall@alexandriava.gov](mailto:nathan.randall@alexandriava.gov)

**PLANNING COMMISSION ACTION:**

**CITY COUNCIL ACTION:**



KEY MAP



SUP #2009-0023

05/07/09



## I. DISCUSSION

### REQUEST

The applicant, Dahab Beyene, requests a special use permit amendment to allow on-premises alcohol service at an existing restaurant located at 50 S. Pickett Street Suite #24.

### SITE DESCRIPTION

The subject property is part of one lot of record with an irregular shape having 300.9 feet of frontage on South Pickett Street, 30 feet of frontage on Duke Street, 302.2 feet of depth and a total lot area of 2.47 acres. The site is developed with a three story building and a total of 218 parking spaces. The building is occupied primarily by office, retail, personal service and medical office uses. One other restaurant is located on the same level as the subject restaurant. The building is organized as a condominium.



The surrounding area is occupied by a mix of commercial and residential uses. Immediately to the north are a dialysis center and a bank. To the south is a bowling alley. To the west are residential townhouses, a veterinary clinic, and a Popeye's restaurant. To the east in the Cameron Station neighborhood are residential townhouses.



### BACKGROUND

On December 16, 2000, City Council granted Special Use Permit #2000-0135 to Samson Beyen for the operation of a restaurant located at 50 South Pickett Street, Unit #24, within the Pickett Center. Staff administratively approved one Special Use Permit for a change of ownership in 2002 and another in 2003. On May 23, 2004, Special Use Permit #2004-0052 was approved administratively to change the ownership of the existing restaurant to Dahab Beyene, the current owner.

The applicant recently requested additional seating, additional hours of operation, and on-premises alcohol service (SUP2009-0003.) These requests, combined with the applicant's current level of operation, were within the eligibility standards for Administrative SUPs as a result of Small Business Zoning changes. However, staff received a complaint from the property manager of the condominium-owned business center representing the condominium Board of Directors. The Board of Directors objected to the applicant's request for alcohol service due to the potential that intoxicated persons could create an unsafe situation within the common areas of the building while using shared bathroom facilities. It did not object to the two other aspects of the application.

On April 3, 2009, staff administratively approved the applicant's request for increased seating and increased hours of operation, but denied the applicant's request for on-premises alcohol service as a result of the objections raised by the condominium Board of Directors. The applicant has elected to request full Special Use Permit approval for on-premises alcohol service.

PROPOSAL

The applicant currently operates a full-service restaurant at this location and requests permission to include on-premises alcohol service for her customers. The existing restaurant is smoke-free.

Hours: 7:00 am – 10:00pm, seven days/week

Number of seats: 34

Type of Service: Full table service and carry-out

Alcohol: On premises alcohol sales only

Live Entertainment: No live entertainment is proposed

Noise: No noise impacts are expected

Trash/Litter: Trash will be collected from the site three times per week. Employees will closely monitor site to prevent litter.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 34 seats is required to provide nine off-street parking spaces. The applicant satisfies this requirement with the use of 218 parking spaces located at the Pickett Center.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG/Commercial Service Low zone. Section 4-403 (Y) of the Zoning Ordinance allows a restaurant in the CG zone only with a special use permit unless it meets Administrative SUP eligibility standards. As mentioned previously, the existing restaurant was eligible for an Administrative SUP but the applicant requested a full Special Use Permit for on-premises alcohol service upon denial of that portion of her administrative request.

The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for commercial use.

## II. STAFF ANALYSIS

Staff does not object to the applicant's request for a Special Use Permit amendment to permit on-premises alcohol service at this location. Staff administratively denied the applicant's request for alcohol based on the presence of material objections from the condominium board. While recognizing the board's objections for purposes of the administrative process, staff does not think those objections rise to the level of a negative staff recommendation here. As a practical matter, staff does not believe the service of alcohol at this location will present significant problems for other tenants of the building. Since no live entertainment will be offered, the size of the restaurant is small, and the proposed closing hour is rather early, staff does not consider this restaurant to be an entertainment or drinking destination but rather an establishment where customers can consume alcoholic beverages with their meals. Staff also notes that the Police Department has no objection to the applicant's request.

Staff recommends approval of the Special Use Permit request subject to the conditions contained in Section III of this report.

## III. RECOMMENDED CONDITIONS

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2000-0135)
2. Seating shall be provided for no more than 34 patrons. (P&Z) (SUP #2009-0003)
3. Outside dining facilities shall be prohibited. (P&Z) (SUP #2000-0135)
4. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2000-0135)
5. The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. daily. (P&Z) (SUP #2009-0003)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2000-0135)
7. Deliveries shall occur during the mornings only. (P&Z) (SUP #2000-0135)
8. The applicant shall require its employees who drive to use off-street parking in the parking areas to the north and east of the building during daylight hours to the extent spaces are available. (P&Z) (SUP #2009-0003)

9. **CONDITION AMENDED BY STAFF:** ~~No alcoholic beverage service shall be permitted.~~ On-premises alcohol service may be permitted, but no off-premises alcohol sales shall be allowed. (P&Z) (~~SUP #2009-0003~~)
10. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2000-0135)
11. 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 #2000-0135)
12. 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 #2000-0135)
13. The applicant shall install at least one trash container within the restaurant for patrons' use. (P&Z) (SUP #2000-0135)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2000-0135)
15. **CONDITION AMENDED BY STAFF:** All 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 #2009-0003~~)
16. 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#2004-0052)
17. **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 for the business and a robbery awareness program for all employees. (Police) (~~SUP #2009-0003~~)
18. 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 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#2004-0052)

19. **CONDITION AMENDED BY STAFF:** The applicant shall 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. (P&Z) (T&ES) (~~SUP #2009-0003~~)
20. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2004-0052)
21. **CONDITION AMENDED BY STAFF:** Applicant shall contribute \$575.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES) (~~SUP #2009-0003~~)
22. **CONDITION AMENDED BY STAFF:** Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (~~SUP #2009-0003~~)
23. **CONDITION AMENDED 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (~~SUP #2009-0003~~)

**STAFF:** Gwen Wright, Division Chief, Department of Planning and Zoning;  
Nathan Randall, Urban Planner

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**Staff Note:** In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation & Environmental Services:

- F-1 Carry forward all T&ES conditions from SUP2009-0003.
- 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).
- 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.

##### Code Enforcement:

- C-1 A new fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.

##### Health Department:

- F-1 No Comment

##### Parks and Recreation:

- F-1 No Comment

##### Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.



Special Use Permit # ~~2009-0023~~

2009-0023

# Planning and Zoning Administrative Special Use Permit Application

Please type or print legibly

PROPERTY LOCATION: 50 S. Pickett ST #24

ZONE: CG TAX MAP REFERENCE: 58.02-0A-00

### APPLICANT'S INFORMATION:

Name: DAHAB BEYENE

Address: 50 S. Pickett st.

Phone: 703 567-4050

Email: Dahab@CafeAuroraUSA.com

### PROPOSED USE:

- Restaurant
- Day Care Center (in church or school building only)
- Outdoor Garden Center
- Outdoor Food and Crafts Market Center
- Overnight Pet Boarding (in shopping center only)
- Catering Business
- Light Auto Repair (industrial or flex space only)
- Valet Parking (King Street only)
- Outdoor Display (Mount Veron Overlay only)

Please read and initial after the statement:

I have read and understand the required standards for the use for which I am applying. Sign: Dahab Beyene

Please submit the following with this application form:

Site Plan At a minimum, show and label the subject property, surrounding buildings, and streets. Show, label and give dimensions for all parking spaces, entrances and exits, and trees and shrubbery.

Floor Plan At a minimum, show and label all interior features inside and outside seats, tables, counters, equipment, etc. as appropriate to the use. Show, label and give dimensions for all entrance and exit doors and windows, rooms/areas, staircases, elevators and bathrooms.

9

Other materials, as required by specific use (see Use Standards).

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner, I hereby grant the applicant use of (property address): 50 S. PICKETT ST #24, for the purposes of operating a (use): CAFE - RESTAURANT business as described in this application.

I also grant permission to the City of Alexandria to visit, inspect, photograph and post placard notice on my property. CAFE AURORA INC.

Name: DAHAB BEYENE Phone 703 567-4050

Address: 50 S. pickett st #24 Email: dehab@cafeaurorausa.com

Signature: Dehab Beyene Date: 3/10/09

1. The applicant is the (check one):
- Owner
  - Contract Purchaser
  - Lessee or
  - Other: \_\_\_\_\_
- of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

DAHAB BEYENE and JOSEPH TESPAI  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
- No. The agent shall obtain a business license prior to filing application, if required by the City Code.

USE CHARACTERISTICS

2. Please give a brief statement describing the use:

TO serve beer and wine at premier's with  
Meal

3. Please describe the proposed hours of operation:

Days M-5	Hours 9 <del>AM</del> 10 PM
Daily YES	

Or give hours for each day of the week

Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	

4. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

Lunch Time around 20-25-30 people

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

one 9AM TO 10PM

5. A. How many parking spaces of each type are provided for the proposed use:

~~56~~ 56 ✓ Standard and compact spaces  
 4 ✓ Handicapped accessible spaces.  
 \_\_\_\_\_ Other.

Administrative Special Use Permit

SUP # ~~2009-0003~~  
2009-0023

- B. Please give the number of:  
 Parking spaces on-site enough visitors sign 60 total  
 Parking spaces off-site \_\_\_\_\_

If the required parking will be located off-site, where will it be located?

No

6. Please provide information regarding loading and unloading for the use:

- A. How many loading spaces are available for the use? AT the Back one  
 B. Where are off-street loading spaces located? \_\_\_\_\_  
 C. During what hours of the day do you expect loading/unloading operations to occur? Just ones or twice a month  
 D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate? one or two times a month

7. If any hazardous materials or organic compounds (for example paint, ink, lacquer thinner, or cleaning or degreasing solvent), as defined by the state or federal government, be handled, stored, or generated on the property, provide the name, monthly quantity, and specific disposal method below:

Cleaning Soap Like Joy

QUESTIONS FOR SPECIFIC USES

<b>RESTAURANT</b>	
Number of seats proposed. <u>34</u> Inside <u>0</u> Outside (Detailed outdoor seating plan required)	
Does the restaurant offer full wait service with printed menus and non disposable tableware? <u>Yes</u> No	
Is alcohol service proposed? Yes, <u>On Premise</u> and/or Off Premise No alcohol _____	
Is delivery service offered (must have a minimum of 40 seats to qualify for admin SUP)? <u>Yes</u> Please give number of delivery vehicles _____ <u>No</u>	
Is live entertainment offered? Describe type of entertainment proposed ( <u>television</u> , live band, pool tables, etc): <u>TV</u>	
Will you voluntarily operate as a smoke-free establishment? <u>Yes</u> No	

**APPLICANT'S SIGNATURE**

Please read and initial each statement:

Initial: DB 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.

Initial: \_\_\_\_\_ 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 Director of Planning and Zoning 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.

<u>DAHAB BEYENE</u>	<u><i>Dahab Beyene</i></u>	<u>12-30-08</u>
Print Name of Applicant or Agent	Signature	Date

Address: <u>30 S. Pickett #24</u>	Telephone: <u>703 567 4050</u>
<u>Alex, VA 22304</u>	Fax: <u>703 567 7868</u>
_____	_____

Email Address: Dahab@cofeamwvusa.com