

Docket Item # 3

SPECIAL USE PERMIT #2003-0007

Planning Commission Meeting

April 1, 2003

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: Tarek Moukalled, trading as Pita House
by Lonnie C. Rich, attorney

LOCATION: 602 King Street

ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, APRIL 1, 2003: On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to add Condition #22. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission asked staff to work with the applicant and neighbors of the existing Pita House restaurant, located 407 Cameron Street, to address concerns the neighbors have about the operation of the existing Pita House restaurant. The Planning Commission otherwise supported the proposed operation of a second Pita House restaurant at 602 King Street.

Speakers:

Lonnie Rich, applicant's attorney, requested approval of the special use permit. Mr. Rich presented a petition stating that the existing Pita House located at 407 Cameron Street is a good neighbor. Mr. Rich also agreed that he and the applicant would meet with the concerned neighbors.

Bonnie Jellen, 206 North Royal Street, requested that her concerns regarding the operation of the existing Pita House restaurant, including noise and odor issues, be addressed in the subject special use permit process.

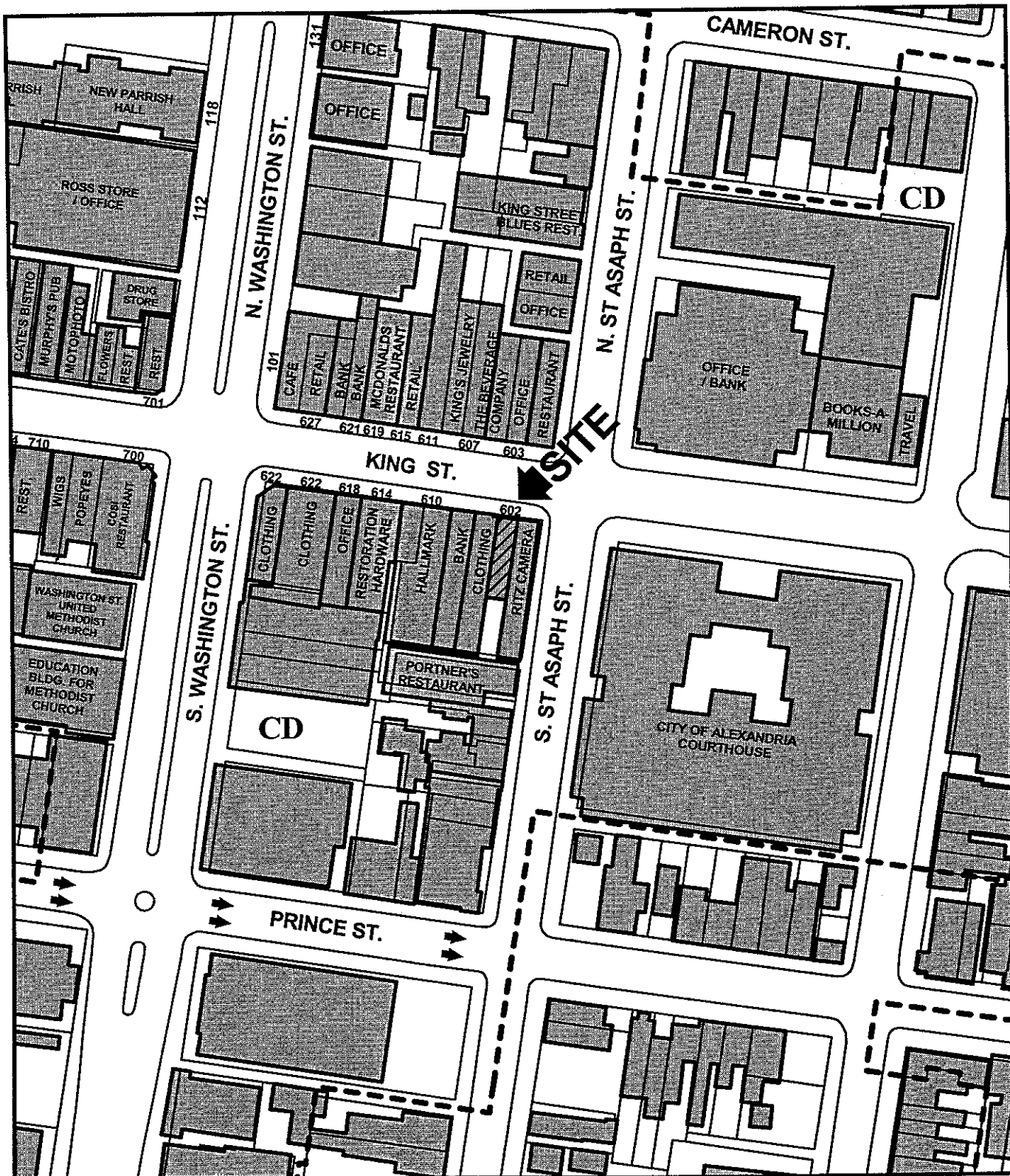
Murney Keleher, 208 North Royal Street, requested that her concerns regarding the operation of the existing Pita House restaurant, including noise and odor issues, be addressed in the subject special use permit process. Ms. Keleher presented a petition stating that there are concerns about the operation of the existing restaurant on Cameron Street and that the Planning Commission should take these concerns into advisement during their review of the Special Use Permit request for the additional King Street location.

Susan Kim, business owner at 413 Cameron Street, asked Murney Keleher to speak on her behalf. Ms. Keleher stated that Ms. Kim is concerned that the Pita House restaurant, located at 407 Cameron Street, places an oil drum in front of her business and that the oil drum leaks oil in front of her business. Ms. Kim would like this problem addressed in the subject special use permit process.

Philip Matyas, 219 North Pitt Street, requested that concerns regarding the operation of the existing Pita House be addressed in the subject special use permit process.

Patrick Drennon, 416 Pitt Mews, supported the subject special use permit.

Tarek Moukalled, applicant, requested approval of the special use permit.



SUP #2003-0007

04/01/03



STAFF RECOMMENDATION:

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

1. **CONDITION AMENDED BY STAFF:** The special use permit shall be granted to the applicant only or to any business corporation or entity in which the applicant has a controlling interest. (P&Z)(SUP #2676)
2. Seating shall be provided inside for no more than 25 patrons. (P&Z)(SUP #2676)
3. No outside dining facilities shall be located on the premises. (P&Z)(SUP #2676)
4. The hours during which the business is open to the public shall be limited to 5:00 A.M. to 12:00 midnight, seven (7) days a week, as requested by the applicant. (P&Z)(SUP #2676)
5. No food, beverages, or other material shall be stored outside. (P&Z)(SUP #2676)
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 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 #2676)
7. Condition deleted.
8. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and no amplified sound noise shall be audible outside at the property line. (P&Z)(SUP #2676) (T&ES)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP #2676)
10. **CONDITION AMENDED BY STAFF:** The applicant shall provide and require their ~~its~~ employees who drive to work to use off-street parking. (P&Z)(SUP #2676)
11. No alcoholic beverages shall be sold or consumed on-premises. (P&Z)(SUP #2676)

12. **CONDITION DELETED BY STAFF:** ~~One (1) standard City trash container shall be furnished to the City of Alexandria for installation by the City on the adjacent public right-of-way. (P&Z)(SUP #2676)~~
13. **CONDITION AMENDED BY STAFF:** 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 and unsanitary accumulation, on each day that the business is open to the public. (P&Z)(SUP #2676)
14. 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 #2676)
15. **CONDITION ADDED BY STAFF:** No equipment including kitchen equipment shall not be cleaned outside, nor shall any cooking residue or any other waste be washed onto the streets, sidewalks, alleys, or into storm sewers. (T&ES)
16. **CONDITION ADDED BY STAFF:** The applicant shall control 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)
17. **CONDITION ADDED BY STAFF:** The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in the Park Alexandria program or an equivalent parking subsidy program by which the regular parking price is discounted by at least \$1. (P&Z)
18. **CONDITION ADDED BY STAFF:** Meals ordered before the closing hour may be served, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z)
19. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z)
20. **CONDITION ADDED BY STAFF:** The applicant shall remove the public pay phone currently located in front of the restaurant. (P&Z)

21. **CONDITION ADDED 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)
22. **CONDITION ADDED BY PLANNING COMMISSION:** The applicant shall meet with staff and the concerned neighbors regarding the Pita House restaurant located at 407 Cameron Street and attempt to address the neighbors' concerns to the satisfaction of the Director of the Department of Planning and Zoning. (PC)

Staff Notes:

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.

Any exterior changes to the property visible from a public way including, for example, signs, alterations to entryway, HVAC equipment, ventilating stacks and lights, require review and approval by the Board of Architectural Review.

Prior to the commencement of operation the applicant must obtain a business license from the Business Tax Branch.

DISCUSSION:

1. The applicant, Tarek Moukalled, represented by attorney Lonnie Rich, requests special use permit approval for the operation of a restaurant, named the Pita House, at 602 King Street.
2. The subject property is one lot of record having 18 feet of frontage along King Street, a depth of 124.2 feet and a total site area of approximately 2,235 square feet. The lot is developed with a two-story commercial building; the existing restaurant occupies the first floor. The site is bounded on the east by Ritz Camera, on the west by Raul's Mens Wear store, on the south by an alley and Portner's Restaurant, and on the north by King Street and other commercial uses.
3. On April 1, 1993 the City Council granted Special Use Permit #2676 to Dunkin' Donuts by Ashok B. Patel for the operation of a restaurant with carry-out service at 602 King Street. The donut shop has offered table seating for 25 patrons.
4. The current applicant proposes to change the ownership of the existing restaurant and to change the nature of the business. The new restaurant, a Lebanese restaurant, will offer a wider range of foods than the previous restaurant (donut shop), including soup, salads, fresh juices, pita wrap sandwiches and desserts.
5. The subject applicant also owns and operates the Pita House restaurant located at 407 Cameron Street. This is a grandfathered restaurant. The Pita House restaurant proposed for 602 King Street will be the second Pita House restaurant in Alexandria. The applicant owns one other restaurant, the Lebanese Village restaurant, in Crystal City.
6. The proposed restaurant will continue to offer the same self service and carry out options, and the same number of seats, 25 seats, that the previous restaurant did.
7. No delivery service, live entertainment, outdoor seating or alcohol service is proposed.
8. The proposed hours of operation are Monday to Sunday from 5:00 a.m. to 12:00 Midnight. The applicant will be open to the public from 8:00 a.m. to 11:00 p.m. The hours of operation for the previous restaurant (donut shop) were 5:00 a.m. to 12:00 Midnight daily.
9. The applicant expects to employ two to three staff people per shift, and anticipates approximately 25 customers in the morning, 50 to 70 at lunch time, and 25 to 50 in the evening.

10. Deliveries for the prior restaurant (donut shop) were made to a loading space at the rear of the building. This will remain the case for the proposed restaurant. An eight foot wide alley provides access to the loading space. Deliveries will be made generally three times a week in the morning after 9:00 a.m. The previous donut shop had deliveries made before 6:00 a.m. each day. There is no residential immediately adjacent to the subject site since the building to the rear is occupied by Portners Restaurant and the adjacent buildings are occupied by a camera store and a clothes store.
11. The one zoning violation on file for the subject site involved a sign that was erected without Board of Architectural Review approval in 1999. There are also two Code Enforcement Division violations regarding trash (2001) and a crate blocking the sidewalk (1998) that were corrected.
12. Section 8-300(B) of the zoning ordinance exempts restaurants within the Central Business District from the off-street parking requirements of Section 8-200. The applicant has indicated that two off-street parking spaces located behind the building are available for employees, and that he will post signs in the restaurant for patrons that identify nearby parking garages. Additionally, the applicant states that the restaurant's customers will likely arrive by foot from nearby businesses and homes rather than car, and that the proposed restaurant is not a destination restaurant.
13. Zoning: The subject property is located in the CD (Commercial Downtown) Zone. Section 4-503 (W) of the zoning ordinance allows a restaurant in the CD zone only with a special use permit.
14. Master Plan: The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff has no objection to the proposed restaurant, named the Pita House, located at 602 King Street. The proposed restaurant meets the goals of the Old Town Restaurant Policy, as outlined in the Master Plan. The proposed restaurant is not a destination restaurant and will serve the nearby residents and employees from existing businesses, and in this way will operate in a manner similar to the prior Dunkin Donuts business. Consequently, staff does not expect any increase in parking demand or other zoning impacts. Staff does, however, recommend that the applicant participate in the Park Alexandria Program, as staff regularly makes this recommendation for businesses located within the King Street corridor. The proposed restaurant will not likely encourage rowdiness or vandalism from patrons since there is no on-site sale of alcohol and no bar is proposed. Lastly, staff has recommended the standard conditions regarding litter to address the concern that any increase in foot traffic, possibly attracted by a wider range of food options, will create more litter.

Additionally, the proposed business is a locally owned and operated business that, staff believes, will help add character to the King Street commercial corridor. The applicant, Mr. Moukalled, also owns and operates the Pita House located at 407 Cameron Street.

With regard to site improvements, staff recommends that the existing public pay phone be removed. Staff has previously recommended that public pay phones be removed in an effort to prevent loitering. Otherwise staff recommends that Condition #12 be deleted by staff since there is already a new style City trash can adjacent to the business.

Staff recommends approval of the special use permit subject to the recommended conditions.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 No equipment including kitchen equipment shall not be cleaned outside, nor shall any cooking residue or any other waste be washed onto the streets, sidewalks, alleys, or into storm sewers
- R-2 The applicant shall control 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.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise will be audible at the property line.
- C-1 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 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A 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.
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-4 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC Sec. 313.0.

- C-5 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-6 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-7 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on-site.
 - (c) Rodent baiting plan.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are non-transferable.
- C-3 This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 703-838-4400 Ext. 255 to arrange for a "change of ownership" inspection.
- C-4 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.

- C-5 Permits must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-9 This facility is currently operating as Dunkin' Donuts under permit #16F-445-1, issued to Bhavan, Inc.
- C-10 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact Crime Prevention 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 Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- F-1 The applicant is not applying for an A.B.C. permit. The Police Department concurs with this.

Board of Architectural Review:

- F-1 Property is located in the Old and Historic Alexandria District.
- F-2 Any exterior architectural change such as signs, exterior ductwork, or fenestration must be review and approved by the Board of Architectural Review, Old and Historic Alexandria District.

APPLICATION for SPECIAL USE PERMIT # 2003-0007

[must use black ink or type]

PROPERTY LOCATION: 602 King Street

TAX MAP REFERENCE: 074-02-09-10 ZONE: CD

APPLICANT Name: Tarek Moukalled t/a Pita House

Address: 5817 Govenors View Lane, Alexandria, VA 22310

PROPERTY OWNER Name: 600 King Street Associate, LLC

Address: 6000 Executive Blvd., Suite 700, Rockville, MD 2085

PROPOSED USE: 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.

Lonnie C. Rich, Agent
Print Name of Applicant or Agent

Signature

1317 King Street
Mailing/Street Address

703-836-7441 703-836-0265
Telephone # Fax #

Alexandria, VA 22314
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: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) ☐ the 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, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

Pita House Enterprise, Inc.

Tarek Moukalled 100%

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.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

The applicant proposes to open a Lebanese restaurant serving
soup, salads, fresh juices, pita wraps sandwiches and desserts.

This will not be a full service restaurant, but will offer
self service and carry out. The applicant offers a unique
cuisine for King Street and replaces a chain donut shop which
also provided self service and carry out. Given the different
nature of the food and amount per customer, there will be
substantially less likelihood of customer littering. The
restaurant will serve local businesses and residents and not
be a destination restaurant. Signs will be posted encouraging
any patrons who drive to park in nearby off-street garages.
Employees who drive to work will be required to park off
street.

USE CHARACTERISTICS

4. The proposed special use permit request is for: *(check one)*
- ☐ a new use requiring a special use permit,
 - ☐ a development special use permit,
 - ☐ an expansion or change to an existing use without a special use permit,
 - ☐ expansion or change to an existing use with a special use permit,
 - ☒ other. Please describe: Change of ownership from one restaurant use to another restaurant use.

5. 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).

Approximately 25 in morning time; approximately 50-70
lunch time; approximately 25-50 evening time.

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

Two per shift; maybe three in the future.

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

Monday - Sunday

5:00 am to 12 Midnight

(Service Hours)

8:00 am to 11:00 pm

7. Please describe any potential noise emanating from the proposed use:

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.

There will be no noise.

B. How will the noise from patrons be controlled?

No alcohol, no outside seating, no noise - noisy patrons
will be asked to leave premises

8. Describe any potential odors emanating from the proposed use and plans to control them:

Hood filter and keeping the doors closed

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Food/Trash

B. How much trash and garbage will be generated by the use?

One bag a day which will be stored inside the restuarant
until the end of the night and then will be moved to the dumpste

C. How often will trash be collected?

Twice a week from the dumpster

D. How will you prevent littering on the property, streets and nearby properties?

Someone will come out everyday between lunch and dinner and
collect any trash from the side walk

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☒ Yes. ☐ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

Degreasing - one gallon a month. The grease will be
picked up by Valley Protein.

12. What methods are proposed to ensure the safety of residents, employees and patrons?

Reasonable care will be taken to provide a safe environment.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes. ☒ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:
- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

None required in CBD

- B. How many parking spaces of each type are provided for the proposed use:

Standard spaces

Compact spaces

 Handicapped accessible spaces.

Other.

- C. Where is required parking located? ☐ on-site ☐ off-site (check one)

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

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

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

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? One

- B. How many loading spaces are available for the use? One

- C. Where are off-street loading facilities located? _____

Alley in rear of building

D. During what hours of the day do you expect loading/unloading operations to occur?

In the morning

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

Three times a week

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access is adequate

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

App 1,300 sq. ft. (existing) + _____ sq. ft. (addition if any) = 1,300 sq. ft. (total)

19. The proposed use is located in: (check one)

☒ a stand-alone building ☐ a house located in a residential zone ☐ a warehouse

☐ a shopping center. Please provide name of the center: _____

☐ an office building. Please provide name of the building: _____

☒ other, please describe: First Floor of Building

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 25 At a bar: --- Total number proposed: 25

2. Will the restaurant offer any of the following? NO

 alcoholic beverages beer and wine (on-premises)

 beer and wine (off-premises)

3. Please describe the type of food that will be served:

Lebanese Cuisine - Salads, Soups, Juices, Pita Wraps,
pies and desserts

4. The restaurant will offer the following service (check items that apply):

 table service bar X carry-out and self serve delivery

5. If delivery service is proposed, how many vehicles do you anticipate? N/A

Will delivery drivers use their own vehicles? Yes. No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? Yes. NO No.

If yes, please describe: _____

SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

***CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS
ADOPTED BY CITY COUNCIL BY RESOLUTION, NOVEMBER 13, 1993***

Parking

1. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:
 - A. The parking demand generated by the proposed restaurant.
 - B. The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
 - C. How employees who drive will be accommodated off the street at least in the evenings and on weekends.
 - D. The predicted impact of the restaurant on the parking supply at the evening peak, weekend peak, and daytime peak.
 - E. A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.
2. Additionally, please answer the following:
 - A. What percent of patron parking can be accommodated off-street?
(check one)

<u> X </u>	100%
<u> </u>	75-99%
<u> </u>	50-74%
<u> </u>	1-49%
<u> </u>	No parking can be accommodated off-street
 - B. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends?
(check one)

<u> X </u>	All
<u> </u>	75-99%
<u> </u>	50-74%
<u> </u>	1-49%
<u> </u>	None
 - C. What is the estimated peak evening impact upon neighborhoods?
(check one)

<u> X </u>	No parking impact predicted
<u> </u>	Less than 20 additional cars in neighborhood
<u> </u>	20-40 additional cars
<u> </u>	More than 40 additional cars

Litter

The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant. Posting signs regarding litter etiquette

Alcohol Consumption and Late Night Hours N/A

1. Maximum number of patrons shall be determined by adding the following:

	_____	Maximum number of patron dining seats
	_____	Maximum number of patron bar seats
+	_____	Maximum number of standing patrons
<hr/>		
	_____	Maximum number of patrons

2. 2-3 Maximum number of employees by hour at any one time

3. Hours of operation:
(check one)

_____	Closes by 8:00 P.M.
_____	Closes after 8:00 P.M. but by 10:00 P.M.
<u>X</u>	Closes after 10:00 P.M. but by Midnight
_____	Closes after Midnight

[Closing time means when the restaurant is empty of patrons.]

4. Alcohol Consumption: N/A

(Check one)

_____	High ratio of alcohol to food
_____	Balance between alcohol and food
_____	Low ratio of alcohol to food

RICH GREENBERG ROSENTHAL & COSTLE, LLP

ATTORNEYS & COUNSELLORS AT LAW

1317 KING STREET

ALEXANDRIA, VIRGINIA 22314-2928

TELEPHONE (703) 836-7441

FACSIMILE (703) 836-0265

EDWARD S. ROSENTHAL*

LONNIE C. RICH**

CARY S. GREENBERG

CAROLINE E. COSTLE*

ANNIE KIM

* ALSO MEMBER OF THE
DISTRICT OF COLUMBIA BAR

* ALSO MEMBER OF THE
TENNESSEE BAR

FAIRFAX OFFICE

3977 CHAIN BRIDGE ROAD

SUITE 201

FAIRFAX, VA 22030

(703) 359-5669

WORLD WIDE WEB

www.RGRCLaw.com

January 17, 2003

By Hand Delivery

Ms. Eileen Fogarty, Director
Department of Planning and Zoning
City Hall, Room 2100
301 King Street
Alexandria, Virginia 22314

Re: Tarek Moukalled, trading as Pita House, 602 King Street
Application for Special Use Permit

Dear Ms. Fogarty:

Enclosed for filing is an application for a special use permit for change the ownership for the restaurant at 602 King Street. The application includes the restaurant supplement and floor plan. Also enclosed is a check for \$500.00 for the filing fee.

One important goal of the City has been to enhance the atmosphere of Old Town as an exciting place to work and visit. The City has encouraged out-of-the-ordinary shops and restaurants. Currently, a national chain donut shop is operating a self serve and carry out restaurant at this site. Mr. Moukalled wants to operate a restaurant similarly except that Lebanese cuisine will be provided. Replacing a chain restaurant with a unique, local restaurant should be welcomed to King Street.

Because the restaurant will offer carry out and self service with limited seating, it will not be a full-service, destination restaurant with the attendant parking issues. Most if not all of the customers will be local nearby businesses and residents, who walk in for service.

The property location has businesses on both sides and in the rear there are no residents, but another restaurant. Because of the limited hours and the absence of alcohol and entertainment, there should be no late night rowdiness or noise from the operation of this restaurant.

Regarding litter, which is often associated with carry out restaurants, the type of food being offered by Pita Hose (soups, salads, pita wrap sandwiches and baked pies/desserts) and amount per

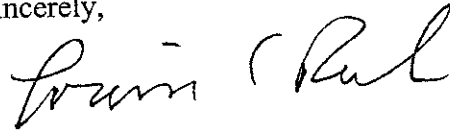
customer should result in substantially less litter than the donut shop. Unlike the coffee and donut crowd, who have a greater tendency to eat while they walk (and sometimes to drop their litter), most Pita House customers take their meals back to their offices to eat. Nonetheless, Pita House will post a sign about not littering and encouraging use of the street trash can in front to the business. Also, an employee will police the area for trash on a daily basis between lunch and dinner.

Please note that the applicant is creating a separate entity to own the business which will then operate under the trade name of Pita House.

We hope to have this on the April docket for Planning Commission and Council. I do look forward to working with you and your staff on this application.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Lonnie C. Rich". The signature is fluid and cursive, with the first name "Lonnie" and last name "Rich" clearly distinguishable.

Lonnie C. Rich

Enclosures (2)

c: Tarek Moukalled, Pita House

Parking 4 Parking.
2 For THE RESTAURANT

Door To the Alley.

Mop sink

Office

prep. AREA.

sink

WOMEN.

MAN.

Salad BAR

coffee

show here. salad show here.
Baking Items + soups.

Hood

grill

nice BAR.

Sodas
juice

#602

PITA House.

SUP 2003-0007

PETITION

We, the undersigned, live near the Pita House, 407 Cameron Street, Alexandria, VA, and wish to state that Pita House, as a restaurant, has been a good neighbor. When (if) concerns have been brought to the attention of management, those concerns have been addressed in a timely and responsive manner. We appreciate what Pita House adds to our community.

<u>Date</u>	<u>Name</u>	<u>Address</u>	<u>Phone Number</u>
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3/27/03	Rachel Bolt	409 Cameron St. #6	703-684-0687
3/27/03	Wendy Battaglia	409 Cameron St #7	703-837-9391
3/27/03	Reid Dossinger	409 Cameron #9	703-684-7471
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3/27/03	PATRICK DRENNON	416 PITT MENS	(703) 836-6559
3/29/03	SKIP AYERS	415 CAMERON ST #3	703 549 7995
3/29/03	Michael Hobbs	419 Cameron St.	703 548-5795
3/29/03	Patricia Hale	421 Cameron St	703-548-3914
3/29/03	Jim McAlister	423 Cameron St	703-836-3331
3/29/03	Betsy Aronson	422 Cameron St	703-548-2980
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3/29/03	Jeff Tuttle	222 N Royal St.	703 549-9693
3/29/03	John L. Mlodesta	224 N ROYAL ST.	703 548 0033
3/30/03	James L. [Signature]	427 CAMERON ST	703 535 3295
3/31/03	Sallie C. Scherer	207-N Pitt St	703-684 7044

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3/31/03	Desiree Campbell	206 N. Pitt St Alexandria	703/838-5894
3/31/03	Laura & Kirby Samuel	207 N ROYAL ST ALEXANDRIA	703 519-6128
3/31/03	Joe Burrows	227 N. Royal St ALEX. VA	703-684-3973
3/31/03	Nancy Purves Pollard	323 Cameron St	703-836-7970 703 836-4435
3/31/03	Kevin Aubrey	1401 King St.	703-548-9808
3/31/03	RIADH LAHIANI	409 Commercial St #1	(703) 519 5605
3/31/03	David Lawson	409 Cameron St. #10	703/837-0356
3/31/03	Wayne Pasqua	415 Cameron #2	703/548-1221
3/31/03	Joel Abramson	425 Cameron St	703 836 3154
3/31/03	Peter Lunt	412 Pitt News	703-519-6738
3/31/03	Jerry Byers	415 Pitt News	703-836-3939
4/1/03	Karen Byers	415 Pitt News	703 836-3939
4/1/03	W.N. Jorjy	413 Pitt News	703-519-8590
4/1/03	Kathleen Hanley	225 N Royal	703 519 7554
4/1/03	Robert N. Velder	223 N. Royal	703-548-5902
4/1/03	Leslie Borden	223 N. Royal	703/548-5902
4/1/03	GEORGE KUSTERMAN	411 PITT NEWS	703 706-8178

PETITION

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Date Name

Address

Phone
Number

9/1/03 Clarence A. Lyles 415 Cameron Street
Apt # 5 703-548-3405

March 26, 2003

TO: City of Alexandria Planning Commission

SUBJECT: April 1, 2003, Consent Calendar, SUP #2003-0007

We, the undersigned, are Alexandria residents living in blocks nearby to The Pita House, 407 Cameron Street, Alexandria, Virginia. Understanding that a Special Use Permit (SUP) is under consideration by the Planning Commission for an additional Pita House property at 602 King Street, we register our concerns about the operations of the existing property that should be taken into advisement as you review the SUP application for an additional location in the Alexandria Old and Historic District.

NAME _____

ADDRESS

CONCERN/S

Ell Burton 204 N Royal smalls
Joan Burton

3/25/03

TO: City of Alexandria Planning Commission

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NAME	ADDRESS	CONCERN/S
------	---------	-----------

Beatrice Darsow	204 W. Royal St.	My concern is the cleanliness of the kitchen access to the alley. It is also very access and there are too many trash cans not always clean and orderly. The current side walk should be hose-d down on a weekly basis.
-----------------	------------------	---

		My main concern is the noise from their air conditioning motor. It is so noisy, I cannot use my patio. Perhaps a new unit would be more efficient and much less noisy.
--	--	--

I do not protest item # 5.

3/25/03

They have a right to open the kitchen door.

Beatrice Darsow

March 26, 2003

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[illegible]

3/25/03

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NAME

ADDRESS

CONCERN/S

MURNEY HELEHER 208 N ROYAL ST /

constant acid
colors -

need for new ventilati
stop alley delivery system

put condition in SUP to

not allow cooking at

407 Cameron for King's

Restaurant.

Phil + Betty Baugh 212 N ROYAL AS

concerned neighbors

3/25/03

Those unable to sign, please e-mail or call your Commission representatives at the addresses listed on the roster.

March 26, 2003

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SUBJECT: April 1, 2003, Consent Calendar, SUP #2003-0007

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NAME

ADDRESS

CONCERN/S

Larry Jellen 206 N. Royal

1) Kitchen noise due to backdoor being left open and a kitchen fan that is not kept in operating condition.

2) Piled up trash and grease by products left for days in back of their restaurant open

3) Food deliveries in rear of building in unsanitary conditions.

3/25/03

EXHIBIT NO. 27
4-12-03

RICH GREENBERG ROSENTHAL & COSTLE, LLP

ATTORNEYS & COUNSELLORS AT LAW

1317 KING STREET

ALEXANDRIA, VIRGINIA 22314-2928

TELEPHONE (703) 836-7441

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FAIRFAX OFFICE
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(703) 359-5669WORLD WIDE WEB
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April 11, 2003

By Fax Only

Mayor and Member of Council
City Hall
301 King Street
Alexandria, Virginia 22314Re: Tarek Moukalled, trading as Pita House, 602 King Street
Application for Special Use Permit

Dear Mayor and Members of Council:

Our firm represents the applicant, Tarek Moukalled, who is seeking and SUP for a Pita House restaurant at 602 King Street. We ask that you support the staff and Planning Commission recommendations of approval.

We do, however, ask that condition #22 be removed.

That condition #22 required that Mr. Moukalled meet with his neighbors who live near his Pita House at 407 Cameron and attempt to resolve some concerns they expressed about those operations. Mr. Moukalled has done that by meeting with the neighbors and by distributing the attached letter dated April 10, 2003, regarding that meeting and outlining the actions he intends to take to continue being the good neighbor he has been for 11 years. Also attached is a copy of the petition signed by more than 35 neighbors in support of Mr. Moukalled's operations and his accessibility.

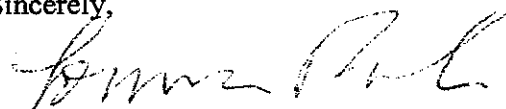
We are also asking that condition #22 be removed because we did not agree to have a permanent condition tying the two restaurants. During the Planning Commission hearing, as a condition of "not deferring" the 602 King Street matter for a month, we agreed to meet with the neighbors and staff in order to address the concerns of a few neighbors of 407 Cameron Street. We understood and intended that this was a good faith representation to avoid deferral and to help address those concerns, even though they had little or nothing to do with the application for 602 King Street.

Having reviewed the transcript of the hearing, I now understand that the Planning Commission thought we were agreeing to a condition that would be an additional condition in the SUP for 602 King Street. That was not our intent. We did not agree to have a permanent condition placed in the 602 King Street SUP which requires any sort of continuing obligation to meet and address concerns regarding 407 Cameron Street. As discussed at the meeting, 407 Cameron Street is a "grand-fathered" use and is not subject to an SUP. We strongly object to any back door effort to create, in effect, an SUP for it. Such a permanent tie would inhibit Mr. Moukalled's rightful ability to sell either business should he so desire. Without Mr. Moukalled's agreement, it is simply not appropriate to burden an SUP for one property with a condition that relates to another piece of property.

Having said that, we recognize that even without an SUP, the operation of 407 King Street is subject to various health and safety codes; and my client intends to comply with those as he has done for the past 11 years. My client also intends to continue being as good a neighbor as he can be. As he has in the past, he will continue to make himself reasonably available to any of his neighbors.

If you have any questions, please contact me.

Sincerely,



Lonnie C. Rich

c: Tarek Moukalled, Pita House
Ignacio Pessoa, City Attorney

Tarek Moukalled
Pita House
407 Cameron Street
Alexandria, VA 22314

April 10, 2003

Dear Neighbors:

Thank you for meeting with me and the City staff to address concerns that have been raised about the operation of the Pita House at 407 Cameron Street. I thought we had a productive meeting and want to restate the actions that I agreed to take.

Grease can. It will be emptied when $\frac{1}{2}$ full to avoid even slight spillage. It will be placed in front of my restaurant for pickup. I may use a second can, but only one will be placed on the street for pickup. I will make sure that the cans are covered.

Trash. Although I think that everyone agreed that the trash out back is not from the restaurant, but from the apartments, I will work with the landlord to see if the trash can be picked up on the front.

Odors. I do not know that any odors have come from my restaurant or not, but I will work to keep the rear door shut and deep clean the exhaust fan system every six months – calling my vendor earlier so they can keep the six month schedule.

Noise. I will work to keep the rear door shut and the mechanical system in repair to keep down any noise that may be coming from the restaurant.

Food-deliveries to the restaurant. I am not aware of any prepared foods ever being delivered to the restaurant. We will endeavor to have most deliveries from the front, except during meal times.

Loading and unloading. I have most vendors load and unload from the front, with only a couple who unload from the alley.

Rear gate. I will look into a mechanized gate closer and otherwise do what I can to ensure that my employees keep it shut.

Cleanliness in adjacent alley. I will make sure that any of my trash or spillage is immediately cleaned up.

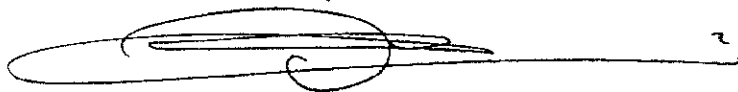
Food transfer between 407 Cameron and 602 King Street. I reiterate my representation to the

Planning Commission that I will not be transferring any prepared food from 407 Cameron to 602 King Street.

I don't think that all of the above concerns relate to my restaurant, and even those that do relate to my restaurant have never in 11 years resulted in a violation of City code. I have tried to be a good neighbor as evidenced by over 35 neighbors who signed my recent petition. Nonetheless, I want to restate the actions that I have agreed you to take to ensure that my restaurant continues being a good neighbor.

As we move forward, if there are any problems that you believe are related to my restaurant, please call me directly. If you think there are other things I should do, please contact me. My personal cell phone number is 703-628-1949.

Sincerely

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Tarek Moukalled

PETITION

We, the undersigned, live near the Pita House, 407 Cameron Street, Alexandria, VA, and wish to state that Pita House, as a restaurant, has been a good neighbor. When (if) concerns have been brought to the attention of management, those concerns have been addressed in a timely and responsive manner. We appreciate what Pita House adds to our community.

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3/30/03	James I. [unclear]	427 Cameron ST	703 535 3295
3/31/03	Sallie C. Scherer	207-N Pitt St	703-684 7044

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Date NameAddressPhoneNumber

9/1/03 Clarence A. Lyles 415 Cameron Street 703-548-3405
Apt # 5

APPLICATION for SPECIAL USE PERMIT # 2003-0007 7

[must use black ink or type]

PROPERTY LOCATION: 602 King Street

TAX MAP REFERENCE: 074.02-09-10 ZONE: CD

APPLICANT Name: Tarek Moukalled t/a Pita House

Address: 5817 Govenors View Lane, Alexandria, VA 22310

PROPERTY OWNER Name: 600 King Street Associate, LLC

Address: 6000 Executive Blvd., Suite 700, Rockville, MD 20852

PROPOSED USE: 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.

Lonnie C. Rich, Agent
Print Name of Applicant or Agent

Signature

1317 King Street
Mailing/Street Address

703-836-7441 703-836-0265
Telephone # Fax #

Alexandria, VA 22314
City and State Zip Code

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: 4/1/03 Recommend Approval 7-0

ACTION - CITY COUNCIL: 4/12/03PH-SEE ATTACHED

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

7. SPECIAL USE PERMIT #2003-0007

602 KING ST

PITA HOUSE

Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CD/Commercial Downtown. Applicant: Tarek Moukalled, trading as Pita House, by Lonnie C. Rich, attorney.

COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation, **as amended, with the deletion of condition no. 22 for the reasons stated in Mr. Rich's letter [dated April 11, 2003].**

Council Action: _____

8. SPECIAL USE PERMIT #2002-0127

334 N PATRICK ST

Public Hearing and Consideration of a request for a special use permit to allow a lot area of less than 1,980 square feet for two lots, to construct a new single family home, and for a parking reduction; RB-Townhouse Zone. Applicant: William Cromley, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation.

Council Action: _____

9. SPECIAL USE PERMIT #2003-0008

800 - 840 N HENRY ST

ON-SITE SOURCING

Public Hearing and Consideration of a request for an amendment to the existing conditions of the Special Use Permit; zoned CRMU-H/Commercial Residential Mixed Use-High. Applicant: On-Site Sourcing, by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation.

Council Action: _____

SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

DOCKET ITEM NO. 7

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Lonnice C. Rich
2. ADDRESS: 101 W. Wiler Ter A Sec VA 22301
TELEPHONE NO. 71519-7901 E-MAIL ADDRESS: lcrich@rgcclaw.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Tarek Moukalled, +/a Pita House
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: ✓ w/ removal of condition # 22 AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING/COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL? YES ✓ NO _____

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.