

Docket Item #10  
SPECIAL USE PERMIT # 2007-0027

Planning Commission Meeting  
June 5, 2007

**ISSUE:** Consideration of a request for amendments to increase seating, add alcohol service and a request for a parking reduction.

**APPLICANT:** Vaso's Kitchen  
by Vasiliki Voiliotis and Efthalia Dhana

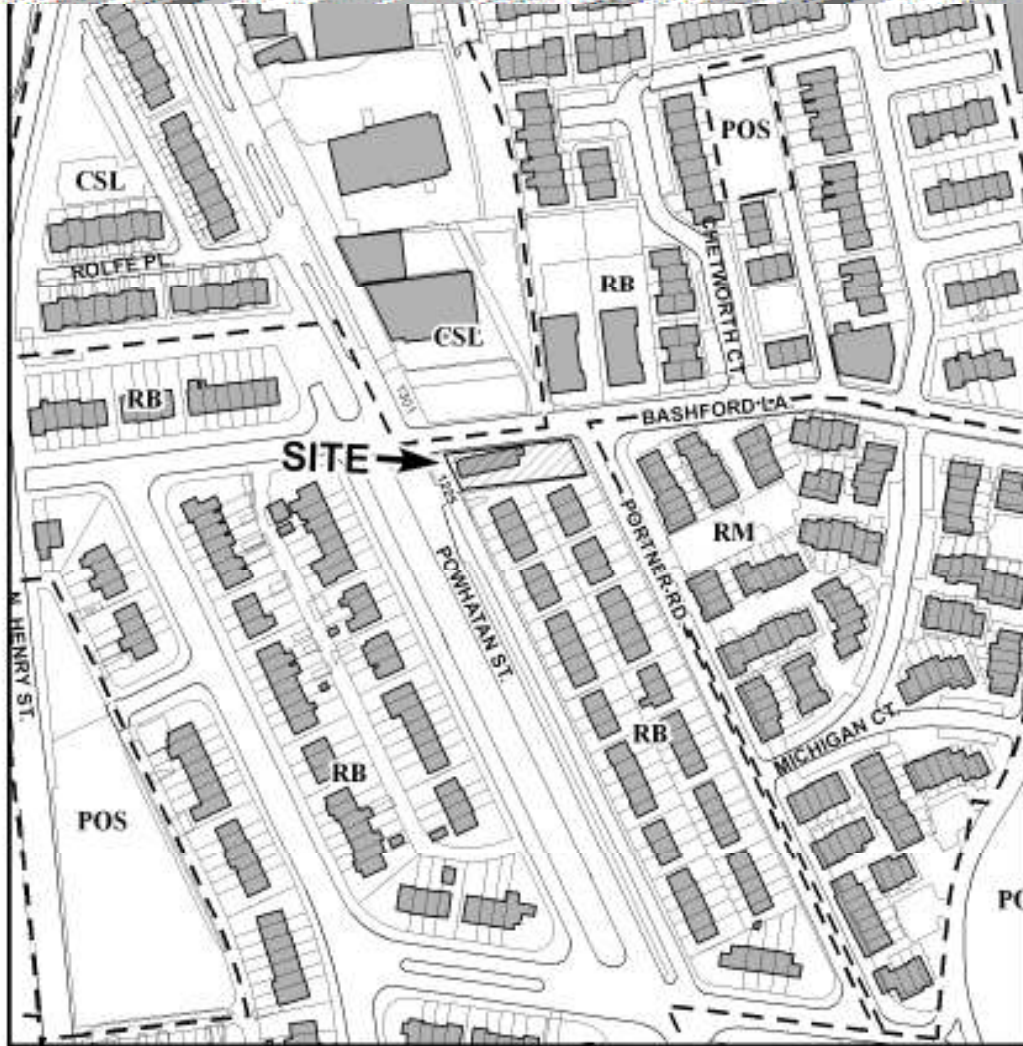
**LOCATION:** 1225 Powhatan Street

**STAFF:** Richard W. Bray  
Richard.bray@alexandriava.gov

**ZONE:** RB/Residential

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



SUP #2007-0027

06/05/07



## I. DISCUSSION

### REQUEST

The applicants, Vasiliki Voiliotis and Efthalia Dhanu, request amendments to the existing special use permit for the restaurant located at 1225 Powhatan Street to allow outdoor seating and alcohol service.

### SITE DESCRIPTION

The subject property consists of two lots of record with a combined area of 7,723 square feet, 50 feet of frontage on Powhatan Street, 163 feet of frontage on Bashford Lane, and 48 feet of frontage on Portner Road. There are nine parking spaces on the lot. The surrounding uses include Caffi Plumbing & Heating to the north and townhouses to the east, west and south.



### BACKGROUND

On March 18, 2006, City Council granted Special Use Permit #2006-0004, for a change of ownership for a nonconforming restaurant. The present application is to amend the conditions of SUP#2006-0004 to allow alcohol service and outdoor seating.

On May 8, 2007, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. The consolidated parking condition requires that a “No Parking” sign be placed at the front of the building. Staff found that although there was no sign there was landscaping placed to discourage parking in front of the building.

### PROPOSAL

The current application seeks to amend the special use permit to increase the seating by adding 17 seasonal outdoor seats and allow on-site alcohol service. The on-site parking will remain the same and the applicant will be required to provide the balance of the required parking off-site during the evening hours.

Hours: 7:00am – 9:00pm, Monday – Friday  
7:00am – 10:00pm, Friday – Sunday

Number of seats: 53 inside, 17 outside, 70 total

Noise: No adverse noise impacts anticipated

Alcohol: On premise beer, wine and mixed drinks only  
Trash/Litter: Staff cleans property on a regular basis

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 70 seats will be required to provide 18 off-street parking spaces.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the RB/Townhouse zone. A restaurant is not a permitted use in the RB zone. Section 12-210 of the Zoning Ordinance allows the continuation of nonconforming uses beyond December 28, 1991 only with a special use permit. The existing restaurant was approved under SUP#2006-0004 based on the commercial use serving the nearby neighborhood and its compatibility with and enhancement of existing uses in the neighborhood.

**II. STAFF ANALYSIS**

Staff supports the amendments to the applicant's Special Use Permit. Over the past year the restaurant has become a vital part of the community. The applicant wants to provide outdoor seating during nice weather. Staff has not received any complaints from the neighborhood concerning the operation of this restaurant. The neighborhood has expressed great interest in outdoor dining facilities at this location.

Staff is aware that the proposed expansion will require 4 more off-street parking spaces. Staff feels that the additional 17 seasonal seats will not place significant strain on neighborhood parking during the daytime hours. The consolidated parking condition has been changed to require at least 9 off-street parking spaces be provided off-site during the evening hours. This provides for full compliance with parking requirements during the evening, when parking demand is highest.

With the following conditions, staff recommends approval of the special use permit.

**III. RECOMMENDED CONDITIONS**

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

1. **CONDITION AMENDED BY STAFF:** The restaurant shall contain a maximum of ~~53~~ 70 seats. (PC) (SUP #97-0126)

2. The hours of operation shall be limited to 7:00 A.M. to 9:00 P.M., Monday through Thursday, and 7:00 A.M. to 10:00 P.M. Friday through Sunday. (PC) (SUP #97-0126)
3. Condition deleted. (PC) (SUP #2006-0004)
4. Condition deleted. (SUP #99-0139)
5. Litter on the site and on the public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, or 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 #2413)
6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2413)
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 #96-0122)
8. Condition deleted. (P&Z) (SUP #2006-0004)
9. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
10. Kitchen equipment or other types of equipment shall not be cleaned outside, nor shall any cooking residue or other wastes be washed into the streets, alleys, sidewalks or sewers. (T&ES) (SUP #2001-0017)
11. No music or amplified sound shall be audible at the property line. (P&Z) (SUP #2413-C)
12. **CONDITION AMENDED BY STAFF:** ~~No outside dining facilities shall be located on the premises. (P&Z)(SUP #2413-C)~~ Outside dining shall be limited to 17 seats. (P&Z)
13. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2413-C)
14. An amendment to the special use permit will be required if there is any change either to the ownership or to the lessee. (CC) (SUP #2413-C)
15. **CONDITION DELETED BY STAFF:** ~~The new 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. (P&Z) (SUP #2001-0017)~~

16. **CONDITION DELETED BY STAFF:** ~~Applicant will work with the civic association and obtain staff approval regarding any sign replacement. (CC) (SUP #96-0122)~~
17. The applicant shall control odors, smoke, and any other air pollution from operations at the site and from the property to prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the T&ES Division of Environmental Quality. (T&ES)
18. Condition deleted. (SUP #99-0139)
19. Condition deleted. (SUP #2001-0017)
20. 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. The Director of Planning and Zoning shall review the special use permit annually thereafter 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 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, (c) the director has determined that there are issues with the operation of the use and that new or revised conditions are needed. (PC) (City Council)
21. Condition deleted. (SUP #2001-0017)
22. See consolidated parking condition #34. (SUP #2001-0017)
23. Condition deleted. (SUP #2000-0083)
24. The applicant shall have its trash removed only between the hours of 9:00 a.m. and 11:00 a.m. daily. (P&Z) (SUP #2001-0017)
25. The applicant shall maintain in good condition all landscaping on the property, which shall include watering on a regular basis, removing and replacing dead plantings as needed, and pulling weeds and mowing grass strips on a regular basis, pursuant to a plan approved by the Director of Planning and Zoning. (P&Z) (SUP#2004-0048)

26. **CONDITION AMENDED BY STAFF:** The applicant shall ~~paint the rooftop equipment screening consistent with the dumpster screening within 45 days of this approval, and shall thereafter~~ maintain the dumpster and rooftop equipment screening in good condition to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2001-0017)
27. See consolidated parking condition #34. (SUP #2001-1107)
28. The applicant shall provide a public sidewalk easement on the Bashford Lane side of the property to allow the construction of a five foot wide walkway adjacent to the curb. (T&ES) (SUP #2001-0017)
29. Condition deleted. (P&Z) (SUP #2006-0004)
30. Condition deleted. (PC) (SUP #2003-0052)
31. Loudspeaker(s) shall not be installed on the exterior of the building. (SUP #2001-0017)
32. See consolidated parking condition #34. (SUP #2001-0017)
33. The applicant shall maintain the Dixie Pig reproduction sign in good condition in a design consistent with the original sign to the satisfaction of the Director of Planning and Zoning. (PC)(SUP#2004-0048)
34. **CONDITION AMENDED BY STAFF:** Parking shall be provided as follows:
  - A. The applicant shall provide no fewer than ~~14~~ 18 off-street parking spaces. At least nine of the spaces shall be located on-site in well striped spaces. ~~Five or more spaces shall be located at 800 Slaters Lane (Nordic Press), and shall be available for use between 5:00 p.m. and 10:30 p.m. daily. Within six months of approval, the applicant shall provide an alternate location for the five off-site parking spaces, to the satisfaction of the Director of Planning and Zoning. The remaining nine spaces shall be provided off-site from 5:00 p.m. to 10:30 p.m. and weekends to the satisfaction of the directors of Planning and Zoning and Transportation and Environmental Services.~~ (P&Z) (T&ES)
  - B. The applicant shall not permit parking on its property in front of its building and shall ~~also post signs saying "Parking Not Permitted in front of the building."~~ prevent parking through placement of outdoor seating, landscaping or signage.
  - C. The applicant shall require that its employees who drive to work use off-street parking. (City Council) (SUP #2001-0017)

35. Condition deleted. (P&Z) (SUP #2006-0004)
36. Condition deleted. (PC) (SUP #2006-0004)
37. 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)
38. 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, and on how to prevent underage sales of alcohol. (P&Z)
39. Lighting shall be provided in the parking lot during nighttime hours, to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. If needed, the lighting shall be shielded to prevent glare on adjacent properties. (P&Z)
40. **CONDITION ADDED BY STAFF:** The applicant shall comply with any requirements adopted as a part of a smoke free restaurant ordinance. (P&Z)
41. **CONDITION ADDED BY STAFF:** On site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)

STAFF:

Faroll Hamer, Director, Department of Planning and Zoning  
Richard Josephson, Deputy Director, Department of Planning and Zoning;  
Richard Bray, 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:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or 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 Use of loudspeakers or musicians outside of the restaurant shall be prohibited.
- R-4 Applicant must provide parking to the satisfaction of the director of T&ES.
- R-5 The outdoor dining must not encroach on the existing four foot sidewalk. The sidewalk must remain open at all times.
- R-6 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.
- R-7 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.
- 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.
- C-2 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).

Code Enforcement:

- F- 1 Based on the applicants plans drawn at 1/4"-inch - 1'-foot the proposed space for outdoor seating with tables occupies 252 square feet. The USBC limits the occupant loading for this area to 15 square feet per person or a total of 17 persons.
- C- 1 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
  - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
  - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
  - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.
- C- 2 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C- 3 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

Health Department:

- F-1 This facility is currently operating as Vaso's Kitchen under an Alexandria health permit issued to Vasiliki Volioti.
- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Food must be protected to the point of service.
- C-3 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 plans review of food facilities.
- C-4 Permits or approval must be obtained prior to use of the new area(s).

- C-5 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 Certified Food Managers must be on duty during all hours of operation.

Police Department:

- F-1 The applicant is already selling beer and wine. They now wish to include alcohol. The applicant is seeking an “ABC On” License only. The Police Department has no objections.
- F-2 The Police Department has no objections to the outdoor dining.
- F-3 The Police Department conducted a security survey for the business on March 28, 2007.

Parks & Recreation:

- R-1: Replace missing or dead plants per approved SUP2006-0004 landscape plan to the satisfaction of Director of Recreation, Parks and Cultural Activities.
- R-2: Applicant shall continue to maintain landscaping so that plants will continue to flourish and grounds will be free of litter, weeds, and debris.

**REPORT ATTACHMENTS  
AVAILABLE IN THE PLANNING AND ZONING OFFICE**