

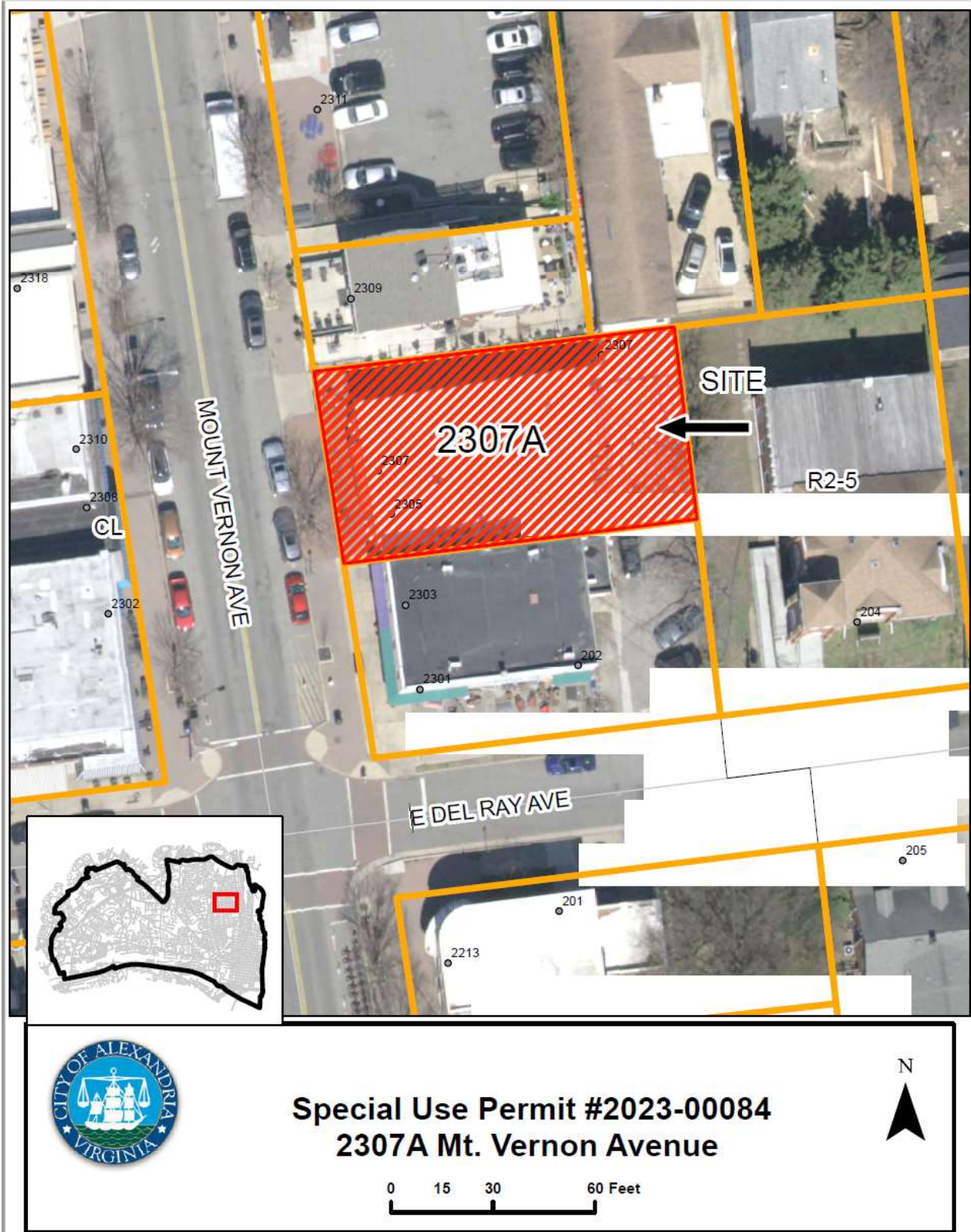


Docket Item #3
Special Use Permit #2023-00084
2307A Mount Vernon Avenue
(Parcel Address: 2307 Mount Vernon Avenue)

| Application | General Data | |
|--|-------------------------------------|-------------------|
| Public hearing and consideration of a request for a temporary trailer | Planning Commission Hearing: | December 5, 2023 |
| | City Council Hearing: | December 16, 2023 |
| Address: 2307A Mount Vernon Avenue (parcel address: 2307 Mount Vernon Avenue) | Zone: | CL/Commercial low |
| Applicant: Jaafar Quardi | Small Area Plan: | Potomac West |

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: Mavis Stanfield, mavis.stanfield@alexandriava.gov
Ann Horowitz, ann.horowitz@alexandriava.gov



I. DISCUSSION

The applicant, Jaafar Quardi, requests Special Use Permit approval to operate a temporary trailer on the same lot as an existing restaurant, operating as “Le Petit Ananas” Hawaiian ice and serving shaved ice. The trailer would replace some of the restaurant’s existing outdoor dining.

SITE DESCRIPTION

The proposed use would be located on one parcel of record, sharing the lot with the existing restaurant. The parcel has 57 feet of frontage on Mount Vernon Avenue, a lot depth of 105 feet, and a lot area of 5,977 square feet. It is developed with an L-shaped, 4,329 square foot, one story commercial building, a noncontributing building within the Town of Potomac National Register Historic District, containing three commercial units. A 12-foot by 84-foot (approximately 1,000 square feet) paved area is located to the north of the building with frontage on Mount Vernon Avenue. The applicant’s trailer would be located adjacent to the entrance to the existing

bakery/restaurant, located at the rear of the building and accessed from the paved portion of the parcel (see Figure 1, Site Context).



PROPOSAL



Figure 2: Applicant's Illustration of Location of Trailer on the Property

The applicant is proposing to use the trailer to prepare pressed shaved ice infused with natural flavors, procured exclusively from the State of Hawaii. The business would offer fresh toppings such as condensed milk, fruit purees, and mochi. Customers would be served via a walk-up window, as illustrated in Figure 4, below.

The business would operate seasonally, from March to November, and would be open daily from 11 a.m. to 9 p.m. The shaved ice trailer would be staffed by one to two employees and would serve approximately 80 customers each weekday and 200 customers on weekend days. During the winter months when the trailer is not in use, it would be removed from its location at 2307A Mount Vernon Avenue and stored at an off-site location. The 72 square foot trailer would be located near the entrance to the Bagel Uprising restaurant, which is east of the existing seating area. The trailer would be 12 feet in length and six feet in width. It would result in the removal of two of the four existing picnic tables in the outdoor dining area. The applicant anticipates that the shaved ice trailer would serve patrons of Bagel Uprising by providing additional food options to the current offerings of the restaurant. The trailer would operate in close cooperation with the restaurant and would use Bagel Uprising's location for storage, electricity and water, as needed.

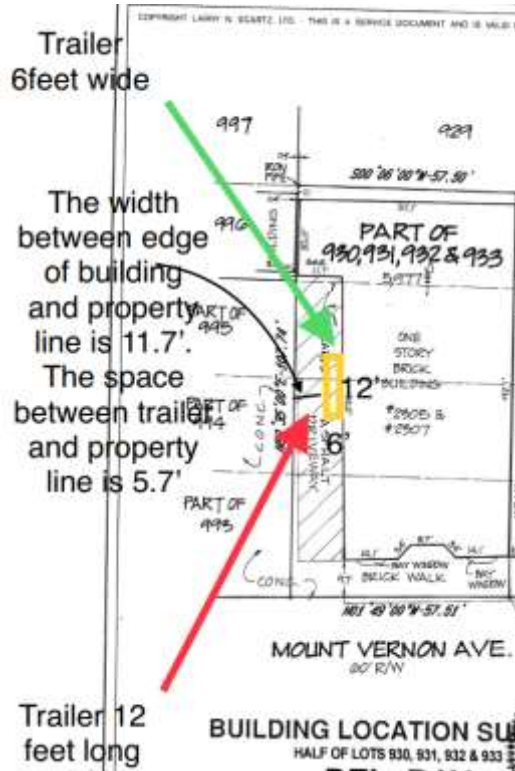


Figure 3: Applicant's Illustration of Location of Trailer on the Property and Dimensions



Figure 4: Illustration of the Walk-up Window

PARKING

Section 8-200(A)(16)(a) of the Zoning Ordinance requires retail shopping establishments in the enhanced transit area to provide a minimum of 0.25 parking space and a maximum of three spaces for every 1,000 square feet of floor area. The 72-square foot trailer would then have a parking minimum of one parking space. Pursuant to Section 8-100(A)(9) of the Zoning Ordinance, nonresidential uses that have a parking requirement of two spaces or less are exempt from providing the spaces, meaning no parking is required for this use.

ZONING/MASTER PLAN DESIGNATION

The proposed use is located in the CL Zone and in the retail focus area of the Mount Vernon Avenue Urban Overlay Zone. Section 7-1101(C) of the Zoning Ordinance allows temporary trailers for non-residential purposes with City Council approval of a Special Use Permit. A retail shopping establishment use less than 20,000 square feet in size is a permitted use in the CL/Commercial low zone by right, pursuant to Section 4-102(K).

The property is located within the Potomac West Small Area Plan that designates it for commercial use. It is also within the Mount Vernon Business Area Plan that supports enhancing Mount Vernon Avenue as a vibrant commercial corridor and encourages independent retail uses, restaurant uses, outdoor dining, and public art along the Mount Vernon Avenue commercial corridor.

II. STAFF ANALYSIS

Staff supports the applicant's request to operate a very small, shaved ice trailer on private property located near the entrance to an existing restaurant and approximately 50 feet away from Mount Vernon Avenue. Given the footprint of the trailer and its distance from Mount Vernon Avenue, it is not expected to have an adverse impact on pedestrian traffic. Further, the applicant's business will provide additional menu options for the patrons visiting the Bagel Uprising, a business that has contributed to the vitality of the Mount Vernon corridor since 2016.

Although staff does not expect impacts from this small business that operates with only limited hours and on a seasonal basis, conditions have been added to minimize any impacts that may arise. Conditions #5 and #7 ensure that the site will be kept clean, while Condition #9 ensures that there will be no odor impacts to neighboring properties. Furthermore, Condition #12, which requires that employees utilize off-street parking, will keep parking impacts stemming from the use to a minimum.

Given that the Zoning Ordinance allows trailers for business use only on a temporary basis, a condition with an expiration date is required. Given that the business in the temporary trailer is expected to contribute to street vitality, staff recommends that it be permitted for up to two years with an additional three years available via approval of an Administrative Special Use Permit, as stated in Condition #3. Lastly, Condition #15 is included to ensure adequate egress is provided, as depicted in the plat shown in Figure 3 above.

Notwithstanding the hours of operation provided by the applicant, staff is recommending in Condition #4 that the hours reflect the zoning ordinance maximum timeframes for outdoor dining

uses in the Mount Vernon Overlay, which is a closing hour of 10 p.m., Sunday through Thursday and by 11 p.m. on Friday and Saturday, to allow flexibility for the applicant.

Subject to the conditions stated in Section III of this report, staff recommends approval of the Special Use Permit request.

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 corporation in which the applicant has a controlling interest. (P&Z)
2. The location and specifications of the temporary trailer shall be substantially consistent as proposed in the application dated September 14, 2023. (P&Z)
3. The temporary trailer shall be permitted at the site for a two-year term which expires on December 16, 2025, with an opportunity to increase the term for an additional three years through an Administrative Special Use Permit. (P&Z)
4. The trailer shall be closed and cleared of all customers by 10 p.m. Sunday through Thursday and by 11 p.m. on Friday, Saturday, and holidays. (P&Z)
5. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least once 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. (T&ES)
6. Exterior power washing of the trailer shall not be completed using any kind of detergents. (T&ES)
7. Chemicals, detergents, or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
8. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
9. 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 & Environmental Services. (T&ES)
10. If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on

secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)

11. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
12. The applicant shall require its employees who drive to use off-street parking. (T&ES)
13. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
14. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
15. The applicant shall maintain a minimum of a five-foot wide unobstructed egress pathway. The pathway shall extend from the Mount Vernon Avenue public right-of-way to the west, to the terminus of the driveway where the trailer is located, to the east, and remain open and accessible during normal business hours. (T&ES)
16. 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 the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Tony LaColla, AICP Division Chief, Land Use Services,
Department of Planning and Zoning
Ann Horowitz, Principal Planner
Mavis Stanfield, Urban Planner

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 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 once 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. (T&ES)
- R-2 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-3 Chemicals, detergents, or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-4 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-5 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 & Environmental Services. (T&ES)
- R-6 If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)
- R-7 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-8 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-9 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-10 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-11 The applicant shall maintain a minimum of a five-foot wide unobstructed egress pathway. The pathway shall extend from the Mount Vernon Avenue public right-of-way to the west, to the terminus of the driveway where the trailer is located, to the east, and remain open and accessible during normal business hours. (T&ES)

- 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). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- 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. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)
- C-4 The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line after 11:00 pm. (T&ES)

Code Enforcement:

- C-1 A building permit is required for the trailer.

Fire:

- C-1 A fire prevention permit may be required for this new use. A fire prevention permit application will result in an inspection by the Fire Marshal's office. Application can be accessed online at:
www.alexandriava.gov/fire-department/the-fire-marshals-office

Health:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria- fee must be paid separate from any other departmental fees.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.

- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.

Parks and Recreation:

No comments received.

Police Department:

No comments received.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # _____

PROPERTY LOCATION: _____

TAX MAP REFERENCE: _____ **ZONE:** _____

APPLICANT:

Name: _____

Address: _____

PROPOSED USE: _____

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 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 staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

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 IV, Section 4-1404(D)(7) 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 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.

Print Name of Applicant or Agent

Jaafar Ouardi

Signature

Date

Mailing/Street Address

Telephone #

Fax #

City and State

Zip Code

Email address

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 2305-2307 MT VERNON AVENUE LLC, I hereby
(Property Address)
grant the applicant authorization to apply for the Special Use Permit use as
(use)
described in this application.

Name: 2305-2307 MT VERNON AVENUE LLC Phone: 7034774290
Please Print
Address: 718 N Washington St, Alexandria, VA 22314 Email: Raym4290@aol.com
Signature: Ray Malwand (Member Manager) Date: 9.14.2023

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. 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 three percent.

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. 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 three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

| Name | Address | Percent of Ownership |
|------|---------|----------------------|
| 1. | | |
| 2. | | |
| 3. | | |

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

| Name | Address | Percent of Ownership |
|------|---------|----------------------|
| 1. | | |
| 2. | | |
| 3. | | |

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose **any** business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).


| Name of person or entity | Relationship as defined by Section 11-350 of the Zoning Ordinance | Member of the Approving Body (i.e. City Council, Planning Commission, etc.) |
|--------------------------|---|---|
| 1. | | |
| 2. | | |
| 3. | | |

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

Date

Printed Name


Signature

USE CHARACTERISTICS

4. The proposed special use permit request is for (*check one*):

- ☐ a new use requiring a special use permit,
☐ an expansion or change to an existing use without a special use permit,
☐ an expansion or change to an existing use with a special use permit,
☐ other. Please describe: _____

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).

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

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

Day:

Hours:

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

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

B. How will the noise be controlled?

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

- 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? (i.e. office paper, food wrappers)

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

- C. How often will trash be collected?

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

- 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:

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

ALCOHOL SALES

13.

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

☐ Yes ☐ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

PARKING AND ACCESS REQUIREMENTS

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

_____ Standard spaces
_____ Compact spaces
_____ Handicapped accessible spaces.
_____ Other.

| |
|---|
| <p>Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200A _____</p> <p>Does the application meet the requirement? [] Yes [] No</p> |
|---|

- B. Where is required parking located? (*check one*)

[] on-site
[] off-site

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

PLEASE NOTE: 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.

- C. 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.

[] Parking reduction requested; see attached supplemental form

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

- A. How many loading spaces are available for the use? _____

| |
|--|
| <p>Planning and Zoning Staff Only</p> <p>Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____</p> <p>Does the application meet the requirement? [] Yes [] No</p> |
|--|

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

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

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

- 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?

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?
_____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ 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: _____

End of Application



Department of Planning & Zoning

Special Use Permit Application Checklist

Supplemental application for the following uses:

Automobile Oriented

Parking Reduction

Signs

Substandard Lot

Lot modifications requested with SUP use

Interior Floor Plan

Include labels to indicate the use of the space (doors, windows, seats, tables, counters, equipment)

If Applicable

Plan for outdoor uses

Contextual site image

Show subject site, on-site parking area, surrounding buildings, cross streets



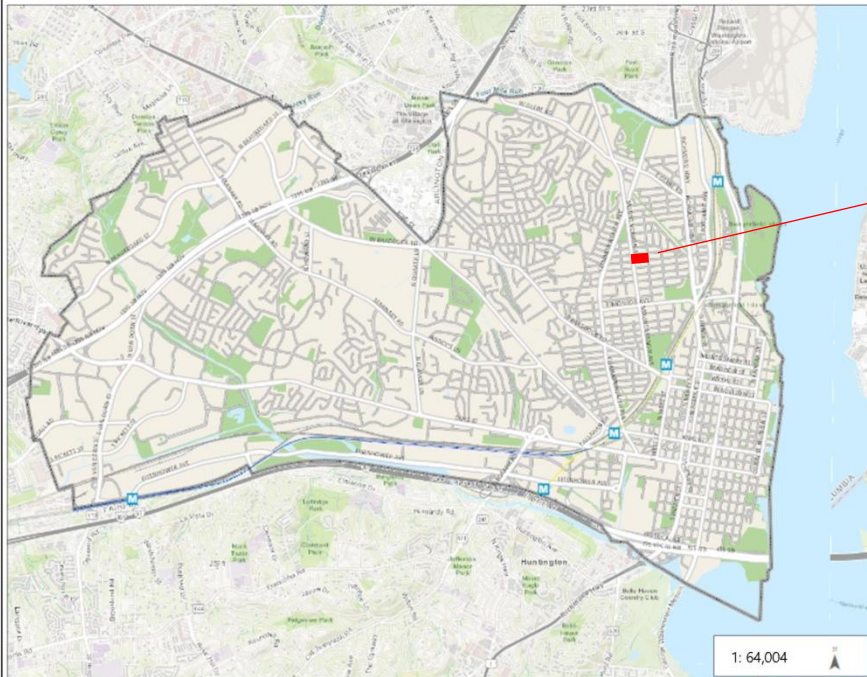
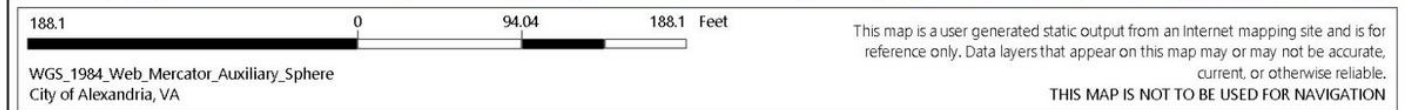
CITY OF ALEXANDRIA, VIRGINIA

TELEPHONE: WOODBRIDGE (703) 494-4181
METRO (703) 690-4955
FAX (703) 690-3999

CERTIFIED LAND SURVEYOR



SITE



1: 64,004

10,667.4 0 5,333.69 10,667.4 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Alexandria, VA

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Last updated: 11.11.2019







Last updated: 11.11.2019





Figure 2: Location of temporary trailer/food cart on property

