DOCKET ITEM #2
Special Use Permit #2020-00107
5101 Seminary Road – Temporary Trailer

CONSENT AGENDA ITEM
If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	**General Data**	
A Public hearing and consideration of a Special Use Permit for a temporary trailer	**Planning Commission Hearing:**	April 8, 2021
	City Council Hearing:	April 17, 2021
Address: 5101 Seminary Road	**Zone:**	CDD #21
Applicant: Bashar Mehiar and Ramzi Haifawi	**Small Area Plan:**	Beauregard

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: Rachel Drescher, rachel.drescher@alexandriava.gov
Ann Horowitz, ann.horowitz@alexandriava.gov



PROJECT LOCATION MAP

I. DISCUSSION

Applicants, Bashar Mehiar and Ramzi Haifawi, are requesting Special Use Permit approval for a temporary trailer to be used as a kitchen for a restaurant at 5101 Seminary Road.

SITE DESCRIPTION

The subject site is located on a 13,981 square foot lot at the intersection of Seminary Road and North Beauregard Street. The site has been developed with an approximately 1,200 square foot single-story building. The site also includes a parking lot with eleven spaces. The site is accessed off Seminary Road (Figure 1).



Figure 1: *Restaurant site with temporary trailer viewed from entrance to property.*

The adjacent property to the east is a single-family dwelling. The adjacent lots to the north and west are presently vacant undeveloped lots, however, City Council approved the construction of 92 townhomes, public and private streets and a public park on several lots abutting the subject parcel on March 13, 2021.The property across Seminary Road to the southwest is an office building. The property across North Beauregard Street to the southeast is Southern Towers Apartments. There is public right-of-way to the south that is used as a small public park.

BACKGROUND

On October 17, 1992, City Council approved SUP #2622 to operate a convenience store at the site. This SUP remained active until City Council approved SUP #2755 on January 22, 1994 for a dry-cleaning business that was required to be reviewed by City Council after one year. City Council subsequently approved SUP #94-0367 as a review of SUP #2755, allowing the applicants to continue operating the dry-cleaning business. On October 10, 2014, staff administratively approved a request to operate a retail market via a market letter of agreement. Staff approved

another market letter of agreement on December 22, 2017 for a different applicant to operate an international retail market. In November 2019, staff administratively approved SUP #2019-00086 for a restaurant with outdoor dining for applicant Alemseged Gebreyesus.

In February 2020, a building permit was applied for and approved to do renovations to the structure, including adding a kitchen the existing structure on the property. As an effect of Covid-19 economic downturn, the applicants could no longer afford to add the kitchen as approved in the building permit and adjusted their business plan to use the building for indoor restaurant seating, which includes a hookah lounge, and temporarily operate a kitchen from a trailer.

In September 2020, a zoning inspection was conducted on the property and it was discovered the ownership of business had changed and a temporary trailer was operating on the site and used as the restaurant's kitchen. The business operator was informed that administrative Special Use Permit approval was required for the restaurant use and City Council approval of temporary trailer was required.

The applicants were granted administrative Special Use Permit (SUP#2020-00074) approval for the change of ownership for a restaurant and outdoor dining from Alemseged Gebreyesus to Bashar Mehiar and Ramzi Haifawi on March 23, 2021.

PROPOSAL

The applicants are proposing to use the trailer as a temporary kitchen to serve guests inside the restaurant building, at their outdoor dining area and for takeout meals. The kitchen would be used every day from 6 a.m. until 12 midnight. The 160 square foot trailer is located on the east side of the building and is 20 feet in length, 8 feet in depth. The temporary trailer is not parked in parking spaces and does not reduce parking availability (Figures 2 and 3).

The applicants are requesting to use of the temporary trailer for up to two years to ensure they can keep their business operating while acquiring the funds and applicable permits to construct the kitchen.



Figure 2: *Temporary trailer viewed from southeastern side of property.*



Figure 3: *Site map with trailer location as noted in red.*

PARKING

Section 8-200(A)(17)(a) of the Zoning Ordinance requires restaurants in the enhanced transit area to provide a minimum of one parking space and a maximum of three spaces for every 1,000 square feet of floor area. There is also an outdoor seating area with 20 seats, which are exempt from additional parking requirements per Section 8-200(A)(17)(c) of the Zoning Ordinance. The 160 square foot trailer would add to the approximately 1,200 square foot restaurant for a total of 1,360 square feet. The minimum parking required for the site is two parking spaces and the maximum is six. The parking minimum parking requirement is met in the eleven-space parking lot.

ZONING/MASTER PLAN DESIGNATION

Section 7-1101(C) of the Zoning Ordinance allows temporary trailers for non-residential purposes with City Council approval of an SUP. A restaurant use is permitted in the CG zone with an approved Administrative Special Use Permit, pursuant to Section 4-402.1(A.1).

Recent revisions of the Beauregard Small Area Plan envision redevelopment of this parcel as hotel and public open space. Given that the lot has not been activated with a Development Special Use Permit, the underlying CG zoning applies.

II. STAFF ANALYSIS

Staff recommends approval of Bashar Mehiar and Ramzi Haifawi's request for a temporary trailer at 5101 Seminary Road with conditions. The temporary trailer provides an opportunity for the business to continue operations during the pandemic while it awaits the ability to fund construction of the bricks and mortar kitchen addition. Staff believes the use of the temporary trailer at this location will not impact parking or traffic flow in the lot. In addition, the location of the trailer is on the east side of building, and the property is bordered with a fence and vegetation, shielding future townhome residents and the existing residential property from the commercial use.

Staff has included Condition #2 to ensure that the temporary trailer remains at the general location indicated in their application and provides sufficient distance from the nearby residentially used property. Condition #3 limits the time the trailer can be parked on the site. Two years provides the applicants time to resubmit for building permit approval and construct a kitchen addition to the existing structure.

Subject to the conditions contained 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 business or entity 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 December 21, 2020 and shall be sited at least 25 feet from the residential lot located at 2618 Foster Avenue. (P&Z)

3. The temporary trailer shall be permitted at the site for two years after SUP approval and until April 16, 2023. The applicant may extend the installation of the temporary trailer for six months and expiring on October 16, 2023 through administrative Special Use Permit. (P&Z)

4. Exterior power washing of the trailer shall not be completed using any kind of detergents. (T&ES)

5. Chemicals, detergents or cleaners shall not be stored outside the trailer. (T&ES)

6. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)

7. The applicant shall control odors, smoke and any other air pollutants from operations at the trailer 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)

8. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations.

(T&ES)

9. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

10. The use must comply with the city's noise ordinance. No amplified sound shall be audible at the property line. (T&ES)

11. The Director of Planning and Zoning shall review the Special Use Permit one year after it has been operational and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation; 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, Division Chief, Land Use Services
Ann Horowitz, Principal Planner
Rachel Drescher, 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:

Findings:

1. Storm, Traffic Engineering and Transportation Planning have no comments.

Conditions:

1. Exterior power washing of the trailer shall not be completed using any kind of detergents. (T&ES)

2. Chemicals, detergents or cleaners shall not be stored outside the trailer. (T&ES)

3. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)

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Code Enforcement:
No comments received

Fire:
The following items are required for this food service operation:

C-1 If using LP gas or other flammable gas for cooking, a fire prevention permit is required.

C-2 Both a Class K and Class ABC type extinguisher are required to be on site and in trailer.

C-3 No storage of flammable gases or liquids inside of the trailer.

C-4 Proper disposal of waste materials is required therefore no dumping of any wastewater, food, garbage, or chemicals, or cleaning any equipment in parking lot or surrounding grassy areas.

Health:
No comments received.

Parks and Recreation:
No comments.

Police Department:
No comments received.

APPLICATION
SPECIAL USE PERMIT

SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 5101 Seminary Rd, Alexandria, VA 22311

TAX MAP REFERENCE: 010.04'03'19 **ZONE:** CG

APPLICANT:

Name: Bashar Mehiar and Ramzi Haifawi

Address: 5101 Seminary Rd, Alexandria, VA 22311

PROPOSED USE: Temporary Trailer

☑ 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.

Bashar Mehiar and Ramzi Haifawi	Bashar Mehiar Ramizi Haifawi	12/21/2020
Print Name of Applicant or Agent	Signature	Date
5101 Seminary Rd	571-312-1358	
Mailing/Street Address	Telephone #	Fax #
Alexandria, VA 22311	bashar.mihyar@hotmail.com	
City and State Zip Code	Email address	

PROPERTY OWNER'S AUTHORIZATION

As the property owner of [redacted] 5101 Seminary Rd, Alexandria, VA 22311, I hereby
(Property Address)

grant the applicant authorization to apply for the Temporary Trailer use as
(use)

described in this application.

Name: Bashar Mehiar and Ramzi Haifawi Phone 703-909-9615
Please Print

Address: 5101 Seminary Rd, Alexandria, VA 22311 Email: bashar.mihyar@hotmail.com

Signature: Bashar Mehiar Ramizi Haifawi **Date:** 12/21/2020

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.

Type text here

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.

Bashar Mehiar 50%

Ramzi Haifawi 50%

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. Bashar Mehiar	2019 11th St NW, Washington, DC 20001	50%
2. Ramzi Haifawi	1611 Leeds Castle Dr, Vienna, VA 22182	50%
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. Bashar Mehiar	2019 11th St NW, Washington, DC 20001	50%
2. Ramzi Haifawi	1611 Leeds Castle Dr, Vienna, VA 22182	50%
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 require 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 the12-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 indicated 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. Bashar Mehiar	None	None
2. Ramzi Haifawi	None	None
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.

12/21/2020	Bashar Mehiar and Ramzi Haifawi	Bashar Mehiar Ramizi Haifawi
Date	Printed Name	Signature

Last updated: 10.21.2020

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.

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. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

The Temporary Trailer operates as a kitchen to provide TO GO meals. It is used to sell food. The trailer is also a kitchen to Double Apple Lounge, the customers order food from the trailer and the food is deliverd by servers. Outdoor and indoor.

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).

None

Between 30 to 55 Clients per day

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

1 Chef, [redacted] 5[redacted]

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

Day:	Hours:
Weekdays (Mon-Thur)	11am-4am
Weekend (Fri-Sunday)	11am-4am
[redacted]	

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

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

The noise is very low to none, its a kitchen and only one person works there. we have a system where when a customer place an order it prints in the kitchen.

B. How will the noise be controlled?

Because there is no noise, there is no action needs to be taken to control the noise.

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

We have filters installed to control the oders.

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)

recycling

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

One garbage bag a day

C. How often will trash be collected?

Trash is collected twice a week on Monday and Friday. Recycle is collected once a week on Wednesdays.

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

[redacted]

We have full time busboy to clean and pick after the cutomers plus the servers as well.

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?

The trailer has been approved by the health department.

_____

_____

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:

[redacted] 13 Standard spaces
NA Compact spaces
[redacted] 1 Handicapped accessible spaces.
NA Other.

Planning and Zoning Staff Only
Required number of spaces for use per Zoning Ordinance Section 8-200A_____
Does the application meet the requirement? [ ] Yes [ ] No

B. Where is required parking located? *(check one)*
[x] 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? One

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

B. Where are off-street loading facilities located? None

C. During what hours of the day do you expect loading/unloading operations to occur?
Early in the morning, between the hours of (8AM-10AM)

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

There are 3 unloads during the week, it is the trash pick up.

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?

It 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? 200 square feet.

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

200 sq. ft. (existing) + _____ sq. ft. (addition if any) = _____sq. ft. (total)

19. The proposed use is located in: *(check one)*
[X] 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


minary Rd
Heritage Ln
Fairbanks Ave
Foster Ave
Double Apple lounge
Takeout
olonial Parking
P
N Beauregard St




SRM2-M
DeWALT




AVANTCO
WASH
RINSE
SANITIZE
SIGNET


SHISHA & SHAWARMA
571-312-1358