

DATE: August 18, 2023

TO: Tony LaColla, Division Chief, Land Use Services  
Department of Planning and Zoning

FROM: Patrick Silva, Urban Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00063  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Dee Zee Group LLC  
Location: 1300 King Street  
Zone: KR / King Street Urban Retail

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### **Request**

Special Use Permit #2023-00063 is a request to change ownership of a restaurant from 1300 King LLC to Dee Zee Group LLC. The applicant will begin to operate the business as Call Your Mother Deli and will specialize in bagels, sandwiches, and baked goods. The hours of operation for the restaurant will be 7 a.m. – 4 p.m., daily. The applicant proposes to utilize a restaurant floor plan of approximately 2,354 square feet with 51 indoor seats. There is no outdoor dining or applicant-operated delivery services proposed.

### **Background**

The subject site is an approximately 42,775 square foot in a mixed-use development approved by City Council in September 2019 (Development Special Use Permit #2019-00001). As part of Development Special Use Permit #2019-00001, City Council also approved Special Use Permit #2019-00062 for a future restaurant to be located in a ground floor commercial tenant space. The applicant in the current request will take over ownership of the restaurant Special Use Permit to begin operating at this location and will represent the first business requiring a Special Use Permit to begin operating at the subject site.

### **Parking**

The subject property is located within the Central Business District (CBD). Pursuant to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from ordinary parking requirements.

### **Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses regarding the request.

**Staff Action**

Staff supports the Change of Ownership request as the subject restaurant will serve to fill a currently vacant commercial tenant space on an active street in an area where many other restaurants currently operate successfully with little to no negative impacts on the surrounding neighborhood. Special Use Permit conditions will be carried over from Special Use Permit #2019-00062. However, several conditions have been amended or added in order to reflect the current standard Special Use Permit conditions for a restaurant. This includes amendments to existing Conditions #2, #10, #15, and #20 as well as new Conditions #21, #22, #23, #24, and #25.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: August 18, 2023  
Action: Approved

 ADH  
Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions  
2) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT # 2023-00063**

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. **CONDITION AMENDED BY STAFF:** The ~~administrative~~ 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) (~~SUP2019-00062~~)
2. **CONDITION AMENDED BY STAFF:** The maximum number of patrons allowed for all of the ground-floor restaurants combined under this SUP will be determined by the state building code. (P&Z) (PC) (~~SUP2019-00062~~)
3. The hours of operation for the restaurant shall be limited to between 6:00 a.m. and 2:00 a.m. daily. (SUP2019-00062)
4. On and off-premises alcohol sales are permitted subject to applicable Virginia ABC licenses. (P&Z) (SUP2019-00062)
5. 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) (SUP2019-00062)
6. Live entertainment shall be limited to indoor only. The applicant shall conform with the City's noise ordinance and no amplified sound shall be audible at the property line after 11:00 p.m. (T&ES) (SUP2019-00062)
7. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into any street, alley, or storm sewer. (T&ES) (SUP2019-00062)
8. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES) (SUP2019-00062)
9. **CONDITION AMENDED BY STAFF:** The applicant shall ~~C~~control odors and any other air pollution sources resulting from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Director of Transportation and Environmental Services. (T&ES) (~~SUP2019-00062~~)

10. 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) (SUP2019-00062)
11. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP2019-00062)
12. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP2019-00062)
13. 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) (SUP2019-00062)
14. 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. (T&ES) (SUP2019-00062)
15. **CONDITION AMENDED BY STAFF:** The applicant shall ~~require~~ encourage its employees who drive to use off-street parking. (T&ES) (~~SUP2019-00062~~)
16. 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](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES) (SUP2019-00062)
17. 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](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES) (SUP2019-00062)
18. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES) (SUP2019-00062)
19. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one (1) 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) (~~SUP2019-00062~~)

20. **CONDITION ADDED BY STAFF:** 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)
21. **CONDITION ADDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
22. **CONDITION ADDED BY STAFF:** Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
23. **CONDITION ADDED BY STAFF:** All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
24. **CONDITION ADDED BY STAFF:** The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00063. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1300 King Street.

John S Murray  
Applicant - Signature

08/18/2023  
Date

John S. Murray  
Applicant – Printed

08/18/2023  
Date