

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2023-00104
Approved by Planning and Zoning: January 22, 2024
Permission is hereby granted to: R+M Restaurants LLC
to use the premises located at: 220 North Lee Street
for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

January 22, 2024

Date

Karl Moritz (by T. LaColla)

Karl Moritz, Director
Department of Planning and Zoning

DATE: January 22, 2024

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 #2023-00104
Administrative Review for Change of Ownership
Site Use: Restaurant with outdoor dining
Applicant: R+M Restaurants, LLC
Location: 220 North Lee Street
Zone: CD/Commercial Downtown

Request

Special Use Permit #2023-00104 is a request for a Change of Ownership SUP for a restaurant from Atlas Partners to R+M Restaurants, LLC. The applicant will operate the business as Mystic BBQ & Grill and will specialize in BBQ style cuisine. The applicant will change the hours of operation from 11 a.m. to 12 a.m., Monday to Thursday, 11 a.m. to 1 a.m., Friday to Saturday, and 10:30 a.m. to 10:30 p.m., Sunday, to 11 a.m. to 11 p.m., Monday to Thursday, 11 a.m. to 12 a.m., Friday, 10 a.m. to 12 a.m., Saturday, and 10 a.m. to 11 p.m., Sunday. In addition, the applicant will increase the employee volume from 16 employees to 30 employees. No other changes are proposed.

Background

The use in question is located within the Crilley Warehouse building which was originally constructed as a bakery in the late 19th century. It was subsequently converted to retail shops, restaurants and offices between 1975 and 1982. In February 1993, City Council first granted Special Use Permit #1867-B to Ecco of Alexandria Inc. approving the operation of a restaurant containing 174 seats located at 220 North Lee Street. In October 2005, staff administratively approved Special Use Permit #2005-00107 for the Change of Ownership of the restaurant to Atlas Partners, LLC who began to operate the restaurant under the name Overwood. Most recently, in April 2008, City Council approved Special Use Permit #2008-00007 and Encroachment #2008-00001B to allow for 18 seats of outdoor dining in the public right-of-way. In August 2016, Atlas Partners partnered with chef Myron Mixon to re-brand the restaurant with a BBQ-centric menu and began operating the business under the name Myron Mixon's Pitmaster Barbeque.

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. No comments or concerns have been received.


Staff Action

Staff does not object to the Change of Ownership request as the subject restaurant has operated in its current location for many years with no issues or negative impacts in a commercial area where many other restaurants currently operate. Although the applicant is changing the hours of operation and increasing the number of employees, SUP conditions related to these business features are not required. Otherwise, all conditions will be carried over from Special Use Permit #2008-00007; several have been amended, added, or deleted in order to reflect the current standard Special Use Permit conditions for a restaurant. This includes amendments to existing Conditions #4, #5, #13, #17, #18, #23, #25, #32, and #33, new Conditions ##34, #35, #36, #37, #38, #39, #40, #41, #42, #43, #44, and #45, as well as deleted Conditions #2, #8, #9, #10, #11, #12, #21, and #26.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 22, 2024
Action: Approved



Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT # 2023-00104

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. The special use permit shall be granted to the applicant or to any corporation in which the applicant has a controlling interest only. (P&CD) (SUP #1867)
2. Condition deleted. (P&Z)
3. **CONDITION DELETED BY STAFF:** ~~The hours during which the restaurant is open to the public shall be restricted to the following, as requested by the applicant: (P&CD) (SUP #1867-A)~~

~~Monday through Thursday 11:00 A.M. to 12:00 Midnight
Friday to Saturday 11:00 A.M. to 1:00 A.M.
Sunday 10:30 A.M. to 10:30 P.M.~~
4. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (P&CD) (SUP #1867)
5. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or in a ~~dumpster.~~ 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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&CD) (SUP #1867) (P&Z)
6. Trash and garbage shall be collected daily when the business is open, except Sundays. (P&CD) (SUP #1867-A) (CC)
7. **CONDITION DELETED BY STAFF:** ~~Employees shall not be allowed to park in the rear of Crilley Warehouse during evening hours, other than to use the two (2) spaces assigned to the applicant. (P&Z)~~
8. **CONDITION DELETED BY STAFF AND ADDRESSED IN CONDITION 27:** ~~The applicant shall maintain and clean the parking lot area and the adjacent alley to keep it free of litter and debris. (P&CD) (SUP #1867-A)~~
9. **CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION 5:** ~~All restaurant trash and litter shall be placed directly in the dumpsters located behind the building. (P&CD) (SUP #1867-A)~~
10. **CONDITION DELETED BY STAFF:** ~~No delivery trucks shall park in or block the alley, but be encouraged to park in the Lee Street "loading zone". (P&CD) (SUP #1867-A)~~

11. **CONDITION DELETED BY STAFF:** ~~Employees shall not loiter or engage in loud conversation in the alley and parking areas. (P&CD) (SUP #1867-A)~~
12. **CONDITION DELETED BY STAFF:** ~~Employees shall exit the restaurant only from the Lee Street entrance. (P&CD) (SUP #1867-A)~~
13. **CONDITION AMENDED BY STAFF:** ~~Seating shall be provided for no more than 174 patrons total.~~ Up to 18 seats may be located outside on private property and within the approved area of encroachment. (P&Z)
14. The applicant shall post the hours of operation at the entrance to the restaurant. (P&CD)(SUP #1867-B)
15. The applicant shall require their employees to use off-street parking. (CC) (SUP #1867-B)
16. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line outside. (P&CD) (SUP #2005-0107) (T&ES)
17. **CONDITION AMENDED BY STAFF:** ~~Meals ordered before the closing hour may be served, but no new patrons be admitted and no alcoholic beverages shall be served after the closing hour, and a~~All patrons shall must leave the premises by one hour after the closing hour. (P&CD) (SUP #1867-B)
18. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2005-0107)
19. 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) (SUP #2005-0107)
20. Condition deleted. (P&Z)
21. **CONDITION DELETED BY STAFF:** ~~The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. This is to be completed prior to opening for business. (Police) (SUP #2005-0107)~~
22. 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) (SUP #2005-0107)
23. **CONDITION AMENDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work ~~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. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (P&Z) (SUP #2005-0107)~~
24. Condition deleted. (P&Z)
 25. **CONDITION AMENDED BY STAFF:** ~~On and off site premises alcohol service is sales are permitted in compliance with Virginia ABC requirements; no off-premise alcohol sales are permitted.~~ (P&Z) (SUP #2005-00107)
 26. **CONDITION DELETED BY STAFF:** ~~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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)~~
 27. 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)
 28. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure or projection that encroaches into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
 29. Outdoor dining shall end at 10:00 pm, daily. (P&Z)
 30. The applicant (and his or her successors, if any) obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his or her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (P&Z) (City Atty)
 31. The area of encroachment shall be limited to the width of the restaurant and four feet from the building face. (P&Z)
 32. **CONDITION AMENDED BY STAFF:** The applicant shall abide by the regulations of the ~~King Street Outdoor Dining Program~~ City's Outdoor Dining Design Guidelines regarding the design and maintenance of the outdoor seating area. (P&Z)
 33. **CONDITION AMENDED BY STAFF:** 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 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 problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP2008-00007)

34. **CONDITION ADDED BY STAFF:** The maximum number of indoor seats at the restaurant shall comply with the state building code. (P&Z)
35. **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)
36. **CONDITION ADDED BY STAFF:** Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z)
37. **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)
38. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)
39. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z)
40. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z)
41. **CONDITION ADDED BY STAFF:** 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. (P&Z)

42. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)
43. **CONDITION ADDED BY STAFF:** 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.
44. **CONDITION ADDED BY STAFF:** 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.
45. **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.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00104. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 220 N. Lee Street.



Applicant - Signature

1-23-24

Date

RALPH T DAVIS

Applicant - Printed

1-23-24

Date