

DATE: August 8, 2022

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 #2022-00056  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Andrew Brown  
Location: 107 North Fayette Street  
Zone: CD / Commercial Downtown

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### **Request**

Special Use Permit #2022-00056 is a request to change ownership of an existing 1,600 square foot, 28 seat restaurant from Meggrolls, One to Andrew Brown. The applicant will begin to operate the business under the name, Andy's Pizza, and will specialize in pizza. The restaurant will conduct business during the operational hours of 11 a.m. to 11 p.m., Sunday through Thursday and 11 a.m. to 2 a.m., Friday through Saturday. Seven employees will be working on site per shift. The applicant would offer on and off premises alcohol sales. No outdoor dining, live entertainment, or applicant-operated delivery services are proposed.

### **Background**

City Council first approved Special Use Permit #104 in April 1945 for a dry cleaning and laundry facility at the site. At this point in time, the building located at 107 N. Fayette Street was located on one parcel of record with the adjacent two-story brick building, frontage on King Street, and contained the current addresses of 1127 – 1131 King Street. In May 1976, City Council approved Special Use Permit #1056 for a public garage and limited automobile related uses including radio installation and replacement of car upholstery. In January 1984, City Council approved Special Use Permit #1635 for a dry-cleaning use in the vacant buildings on the parcel. In June 1996, the Planning Commission approved a subdivision request by the property owner to subdivide the one parcel along property lines, creating the current, two-parcel configuration of 107 N. Fayette Street and 1127 King Street. City Council approved Special Use Permit #96-00176 in January of 1997 for a restaurant use, under the trade name of Five Guys, at 107 N. Fayette Street. The restaurant was approved for 20 indoor seats and no alcohol sales. City Council approved Special Use Permit #98-00088 in September 1998 and an increase to 28 indoor seats during a one-year review of restaurant operations. Most recently, in November 2016, staff administratively approved Special Use Permit #2016-00071 to operate a new restaurant with accessory catering, which operated under the name Meggrolls.

### **Parking**

The applicant's proposed restaurant is located within the Central Business District and Section 8-

300(B) of the Zoning Ordinance waives the parking requirement for restaurants located within the Central Business District. As such, the applicant is not required to provide off-street parking.

**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**

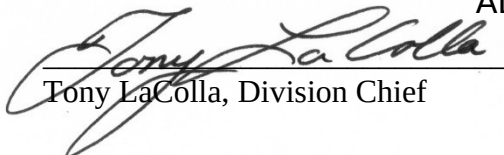
Staff does not object to the Change of Ownership request as the subject restaurant has operated successfully at this location for many years with little to no negative impacts on the surrounding neighborhood.

However, several Special Use Permit conditions have been updated to reflect new standard conditions for restaurant uses in the City. This includes amendments to Conditions #3, #4, #5, #6, #8, #12, #20, #22, #23, and #25. In addition, this includes new Condition #26.

Staff hereby approves the Special Use Permit request.

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

Date: August 8, 2022  
Action: Approved

ADH  
  
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Tony LaColla, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT # 2022-00056**

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 only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP2016-00071)
2. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2016-00071)
3. **CONDITION AMENDED BY STAFF:** ~~The maximum number of restaurant shall have 28 indoor seats shall comply with the state building code. Outdoor seats may be permitted through the King Street Outdoor Dining Program~~ (P&Z) (SUP2016-00071)
4. **CONDITION AMENDED BY STAFF:** ~~The hours of operation for indoor dining shall be limited to between 11 a.m. and 12 a.m, daily. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and a~~All patrons must leave the premises ~~by one hour after the closing hour.~~ (P&Z) (SUP2016-00071)
5. **CONDITION AMENDED BY STAFF:** ~~On and off premises alcohol service may be sales are permitted in compliance with, consistent with a valid Virginia ABC requirements license. Off premises alcohol sales are not permitted at the restaurant and through catering operations.~~ (P&Z)-(SUP2016-00071)
6. **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) (SUP2016-00071)
7. 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) (SUP2016-00071)
8. **CONDITION AMENDED BY STAFF:** ~~The applicant shall direct patrons to the availability of~~ encourage patrons to parking off-street through the provision of information about at nearby public garages on advertising and on the restaurant's website and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES) (SUP2016-00071)
9. 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 on establishing an employee transportation benefits program (T&ES) (SUP2016-00071)

10. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP2016-00071)
11. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP2016-00071)
12. **CONDITION AMENDED BY STAFF:** If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (~~using with a bung—~~(a secure stopper that seals the drum) when not receiving used oil. The drum shall be placed on secondary containment, and situated under cover to prevent rainwater from falling on it. (P&Z) (T&ES) (~~SUP2016-00071~~)
13. 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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP2016-00071)
14. 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) (SUP2016-00071)
15. 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) (SUP2016-00071)
16. 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) (SUP2016-00071)
17. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2016-00071)
18. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP2016-00071)
19. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP2016-00071)
20. **CONDITION AMENDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be ~~monitored and~~ picked up at least twice ~~during the~~ a day and at the close of the business, and more often if

necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public in operation. (T&ES) (SUP2016-00071)

21. 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) (SUP2016-00071)
22. **CONDITION AMENDED BY STAFF:** ~~Up to two~~ Delivery vehicles operated and managed by the applicant shall be ~~are~~ permitted for the accessory catering use. The applicant shall maintain a lease agreement for parking spaces to accommodate each delivery vehicle. ~~Any~~ Delivery vehicles shall must be parked ~~in an off-street~~ when not in use parking space when located in the vicinity of the restaurant. (P&Z) (SUP2016-00071)
23. **CONDITION AMENDED 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 live entertainment at the restaurant shall be subordinate to the principal function of the business as an eating establishment. ~~No cover or admission fee may be assessed.~~ Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (SUP2016-00071)
24. 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) (SUP2016-00071)
25. **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 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) (SUP2016-00071)
26. **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 #2022-00056. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 107 North Fayette Street.



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Applicant - Signature

8/18/2022

Date

Andrew Brown

Applicant – Printed

8/18/2022

Date