

*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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**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 #2023-00102  
Approved by Planning and Zoning: May 6, 2024  
Permission is hereby granted to: AZ Pizza & Cheesesteak Corp  
to use the premises located at: 5418 Duke 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.

May 6, 2024

Date

*Karl Moritz* (by T. LaColla)

Karl Moritz, Director  
Department of Planning and Zoning

DATE: May 7, 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 #2023-00102  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: AZ Pizza & Cheesesteak Corp  
Location: 5418 Duke Street  
Zone: CG / Commercial General

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### **Request**

Special Use Permit #2023-00102 is a request for a Change of Ownership of a restaurant from Long Gate, LLC. to AZ Pizza & Cheesesteak Corp. Under the new ownership, the applicant will operate as AZ Pizza & Cheesesteak. The applicant will add breakfast to the menu and alter the hours of operation from 11 a.m. to 10 p.m., Monday to Saturday, and 11 a.m. to 9 p.m., Sunday, to the new hours of 6 a.m. to 10 a.m., Monday to Saturday, and 6 a.m. to 9 p.m., Sunday. No other changes are proposed.

### **Background**

The subject site was first developed with the existing one-story commercial building and surface parking lot with 12 off-street spaces via approval of Site Plan #1965-00056, with construction completed in 1966. From 1966 to 1983, the site was occupied by a convenience store. In May 1983, City Council approved Special Use Permit #1558 for a carry-out and delivery restaurant in the form of a Domino's Pizza. The restaurant operated under the 1983 approval until City Council approved Special Use Permit #2016-00098 which amended the Special Use Permit to permit indoor seating, an increase in the hours of operation, and a change of ownership. Most recently, in January 2020, staff administratively approved Special Use Permit #2019-00106 for a change of ownership from Team Washington, Inc to Long Gate, LLC who operated the restaurant as AJ Pizza & Cheesesteak.

On January 10, 2024, Planning & Zoning staff conducted an inspection of the existing business and found it was in violation of Conditions #4, #6, and #25. The applicant was instructed to bring comply with the conditions. A subsequent inspection on March 15 and found that while Conditions #4 and #6 were now being met, Condition #25 was still in violation and the applicant was informed that further pavement repair and re-striping was needed. A final inspection was conducted on May 2 and confirmed that all Special Use Permit conditions were being adhered to.

### **Parking**

Section 8-200(A)(17)(a) requires restaurants in the enhanced transit area to provide one parking

space for every 1,000 square feet of floor area. The 2,033 square foot business is required to provide three parking spaces. Although Condition #14 restricted the number of delivery vehicles to five, present-day SUP standard conditions allow the applicant to use as many delivery vehicles as long as they are parked off-street. With three spaces required for the restaurant, up to nine delivery vehicles can be accommodated in the 12-space on-site parking lot. Condition #14 has been amended to reflect this updated standard.

**Community Outreach**

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. Staff has not received any comments from residents or adjacent businesses regarding the request.

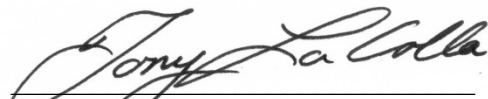
**Staff Action**

Staff does not object to the Change of Ownership request as a restaurant has operated in its current location for many years with little to no issues or negative impacts in a commercial corridor where several other restaurants currently operate with similar success. Special Use Permit conditions will be carried over from Special Use Permit #2019-00106. However, several conditions 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 #3, #5, #8, #14, #22, #23, #24, and #27 new Condition #30, as well as the deletion of Condition #29 which was inadvertently added as a duplicate of Condition #9 during staff’s processing of SUP2019-00106.

Staff hereby approves the Special Use Permit request.

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

Date: May 7, 2024  
Action: Approved

  
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Tony LaColla, Division Chief

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


**CONDITIONS OF SPECIAL USE PERMIT # 2023-00102**

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) (SUP #1558)
2. Condition deleted by staff. (SUP #2016-00098)
3. **CONDITION AMENDED BY STAFF:** ~~The dine-in, carry-out, and delivery hours of operation shall be limited to between 10 a.m. and 1 a.m., Sunday through Thursday and 10 a.m. and 2 a.m. Friday and Saturday. Meals ordered before the closing hour may be served or delivered, but no new patrons may be admitted or orders placed, and a~~All patrons must leave the premises by one hour after the closing hour. (P&Z) (SUP #1558)
4. Litter on site and on the public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, and more often as necessary to prevent an unsightly and insanitary accumulation, on each day that the business is open to the public. (P&CD) (SUP #1558)
5. **CONDITION AMENDED BY STAFF:** No food, beverages or other material shall be stored outside, with the exception of materials specified in other conditions. (P&CD) (SUP #1558)
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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP #2016-00098)
7. Condition deleted by staff. (SUP #2016-00098)
8. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats at the restaurant shall comply with the state building code. ~~be 24. No outdoor dining is permitted.~~ (P&Z) (SUP #2016-00098)
9. The applicant shall post the hours of operation at the entrance to the business. (P&Z) (SUP #2016-00098)
10. 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; to review site access including the requirement for delivery vehicles to access the property only using public streets and property curb cuts on Duke Street and South Reynolds Street and no use of other properties for delivery vehicle access; and, to require employees to be sensitive to

noise affecting residents (i.e. during shift changes, activity after 11 p.m., and other outdoor activities in which unreasonable noise may carry and disrupt nearby residences). (P&Z) (PC) (SUP #2016-00098)

11. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP #2016-00098)
12. 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) (SUP #2016-00098)
13. 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) (SUP #2016-00098)
14. **CONDITION AMENDED BY STAFF:** ~~Not more than five delivery vehicles may be used to deliver food to customers. The applicant shall provide five (5) off-street spaces for delivery vehicles. The applicant must park the delivery vehicles in an off-street parking space when located in the vicinity of the restaurant.~~ Restaurant-managed delivery vehicles must be provided with dedicated off-street parking spaces for each delivery vehicle. (P&Z)-(T&ES)-(PC) (SUP #2016-00098)
15. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP #2016-00098)
16. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP #2016-00098)
17. 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. (T&ES) (SUP #2016-00098)
18. 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) (SUP #2016-00098)
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 #2016-00098)
20. 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) (SUP #2016-00098)
21. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP #2016-00098)
  22. **CONDITION AMENDED BY STAFF:** ~~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) (SUP #2016-00098)
  23. **CONDITION AMENDED BY STAFF:** ~~On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements.~~ (P&Z) (SUP #2016-00098)
  24. **CONDITION AMENDED BY STAFF:** ~~No 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 shall be allowed at 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) (SUP #2016-00098)
  25. **CONDITION AMENDED BY STAFF:** The applicant shall maintain the restriping of the parking lot and maintain the parking lot paving in good repair. (P&Z) (SUP #2016-00098)
  26.  free-standing pole sign shall be replaced with a monument sign no later than February 21, 2024. (P&Z)
  27. **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) (SUP #2019-00106)
  28. The applicant shall establish a franchise representative to serve as a liaison with members of the community to resolve concerns that may arise from the operation of the restaurant. The name of the liaison shall be posted inside the store in a conspicuous location and provided to nearby property owners. Contact information for this individual shall be available upon request. (P&Z) (PC) (SUP #2016-00098)
  29. **CONDITION DELETED BY STAFF:** ~~The applicant shall post the hours of operation at the entrance of the business.~~ (P&Z) (SUP #2019-00106)

30. **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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00102. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 5418 Duke Street.



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Applicant - Signature

06/13/2024  
\_\_\_\_\_  
Date

Azeb Kassa  
\_\_\_\_\_  
Applicant – Printed

06/13/2024  
\_\_\_\_\_  
Date