

DATE: July 25, 2011

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2011-0048
Administrative Review for Minor Amendment
Site Use: Restaurant
Applicant: The Lounge of Alexandria, LLC
Location: 100 South Reynolds Street
Zone: RC / High Density Apartment

Request

Special Use Permit #2011-0048 is a minor amendment request to change the closing hour of an existing restaurant located in the Washington Suites apartment hotel from 10:00pm to 12:00 midnight daily. The applicant also requests an increase in the maximum seating at the business from 50 to 51 seats. No other changes to the operation are proposed. The business plans to operate under the name The Lounge of Alexandria.

Background

In September 1978, City Council approved SUP#1194 for the operation of a restaurant on the first floor of a nine-story apartment hotel which was constructed in 1964 pursuant to Site Plan #64-0023. According to Section 3-903(K)(10) of the Zoning Ordinance, restaurants are allowed on the first or lower floor of a multifamily building which is at least four stories in height.

The prior restaurant at the site has been closed for less than one year. Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

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 that would require staff to docket the Special Use Permit for public hearing.

Staff Action

Staff does not object to the applicant's minor amendment requests. The proposal for two additional hours of operation and one additional seat represents a small increase compared to the original approval and one that is eligible for minor amendment approval pursuant to Sections 11-511(A)(2)(b)(i)(a) and 11-511(A)(2)(b)(i)(b) of the Zoning Ordinance.

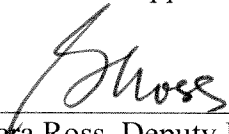
Staff has also added several conditions of approval to this report that are consistent with modern standard condition language for restaurants. These conditions include prohibitions against live entertainment, delivery service, and off-premises alcohol as well as requirements regarding odors and litter. Condition language requiring a change of ownership has been added here as well and will apply to any new owners of this restaurant in the future.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: July 26, 2011

Action: Approved



Barbara Ross, Deputy Director

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2011-0048

The applicant 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: That The hours of operation for the restaurant shall be limited to 7:00am to 10:00pm 12:00 midnight, seven days/week, as stated in the letter of intent. (P&Z) (SUP#1194)
2. CONDITION AMENDED BY STAFF: That No signs advertising the restaurant shall be erected on the outside of the building or on the apartment grounds. (P&Z) (SUP#1194)
3. CONDITION ADDED BY STAFF: 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)
4. CONDITION ADDED BY STAFF: The maximum number of seats permitted at the restaurant shall be 51. (P&Z)
5. CONDITION ADDED BY STAFF: The applicant shall post the hours of operation at the entrance of the business. (P&Z)
6. CONDITION ADDED BY STAFF: No outdoor dining shall be permitted at the restaurant. (P&Z)
7. CONDITION ADDED BY STAFF: On-premises alcohol service may be permitted but off-premises alcohol sales shall be prohibited. (P&Z)
8. CONDITION ADDED BY STAFF: No live entertainment shall be permitted inside or outside the restaurant. (P&Z) (T&ES)
9. CONDITION ADDED BY STAFF: No delivery service shall be operated from the restaurant. (P&Z)
10. CONDITION ADDED BY STAFF: Meals ordered before the closing hour may be sold, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z)
11. 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)
12. CONDITION ADDED BY STAFF: No food, beverages, or other material shall be stored outside. (P&Z)

13. **CONDITION ADDED BY STAFF:** Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
14. **CONDITION ADDED 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 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)
15. **CONDITION ADDED BY STAFF:** Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. **CONDITION ADDED BY STAFF:** 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)
17. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
18. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
19. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
20. **CONDITION ADDED 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)