

DATE: April 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 #2011-0023  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Party of Six Foods, LLC  
Location: 1931 Ballenger Avenue  
Zone: CDD#1 / Coordinated Development District

---

**Request**

Special Use Permit #2011-0023 is a request to change ownership of an existing Robek's smoothie restaurant franchise from Daniel Garcia to Party of Six Foods, LLC. No changes to the existing restaurant operation are proposed and it will continue to sell fruit smoothies, juices, and snacks under the trade name Robek's.

**Background**

City Council granted approval of SUP#2007-0019 to Daniel Garcia on May 12, 2007 for the operation of a smoothie restaurant.

The restaurant has been closed since December 2010. Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

**Community Outreach**

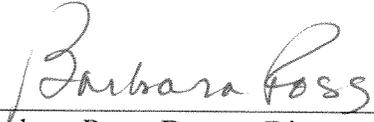
Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Carlyle-Eisenhower Civic Association and the Upper King Street Neighborhood Association were sent e-mails with information about the current application. Staff has not received any 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 change of ownership for the smoothie restaurant. It has included one new standard condition and one new condition prohibiting live entertainment which is consistent with prior SUP approval. Staff hereby approves the Special Use Permit request.

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

Date: May 5, 2011  
Action: Approved

  
\_\_\_\_\_  
Barbara Ross, Deputy Director

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

**CONDITIONS OF SPECIAL USE PERMIT #2011-0023**

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. The 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) (SUP#2007-0019)
2. Seating shall be provided for no more than 10 patrons inside and outside. (P&Z) (SUP#2007-0019)
3. Outside dining facilities may be located on private property and shall not encroach onto the public right-of-way. The applicant shall ensure that pedestrian access is provided past the outdoor seating and shall clean the seating area at the close of each day of operation. (P&Z) (SUP#2007-0019)
4. The applicant may provide seating for up to 6 outdoor seats. (P&Z) (SUP#2007-0019)
5. Delivery service shall be permitted to customers in the immediate area. (P&Z) (SUP#2007-0019)
6. The hours of operation shall be limited to 7am- Midnight daily. (P&Z) (SUP#2007-0019)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2007-0019)
8. No alcohol service shall be permitted. (P&Z) (SUP#2007-0019)
9. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2007-0019)
10. 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. (P&Z)(T&ES) (SUP#2007-0019)
11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP#2007-0019)

12. **CONDITION SATISFIED (4/2008) AND DELETED BY STAFF:** Applicant shall contribute ~~\$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right of ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES) (SUP#2007-0019)~~
13. **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) (SUP#2007-0019)~~
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2007-0019)
15. The applicant shall control 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 and Environmental Services. (T&ES) (SUP#2007-0019)
16. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (P&Z) (SUP#2007-0019)
17. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2007-0019)
18. **CONDITION AMENDED BY STAFF:** The applicant shall contact the ~~Crime Prevention~~ Community Relations Unit of the Alexandria Police Department 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees prior to operation. (Police) (SUP#2007-0019)
19. The applicant shall require its employees who drive to use off-street parking and encourage its employees to use 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. (P&Z) (SUP#2007-0019)
20. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z) (SUP#2007-0019)
21. The applicant shall design both the exterior and interior portions of the space pursuant to the Carlyle Design Guidelines, to the approval of the Director of

Planning and Zoning. (P&Z) (SUP#2007-0019)

22. **CONDITION SUPERSEDED BY STATE LAW AND DELETED BY STAFF:** ~~The applicant shall comply with any requirements adopted as a part of a smoke free restaurant ordinance. (P&Z) (SUP#2007-0019)~~
23. **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#2007-0019)
24. **CONDITION ADDED BY STAFF:** No live entertainment shall be offered at the restaurant. (P&Z)
25. **CONDITION ADDED BY STAFF:** For indoor patrons, 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)