

DATE: May 16, 2011

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

FROM: Mary Christesen, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2011-0027
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Abdulhaluk Ensari
Location: 602 King Street
Zone: KR/King Street Retail

Request

Special Use Permit #2011-0027 is a request to change ownership of an existing restaurant from Jehat Mehmetoglu to Abdulhaluk Ensari. No changes to the operation are proposed.

Background

On April 1, 1993, the City Council granted Special Use Permit #2676 to Dunkin' Donuts by Ashok B. Patel for the operation of a restaurant with carry-out service at 602 King Street. On April 12, 2003, City Council granted Special Use Permit #2003-0007 to change the ownership of the restaurant to Tarek Moukalled to operate a Lebanese restaurant known as the Pita House. On May 19, 2005, staff administratively approved Special Use Permit #2005-0048 to change the ownership of the restaurant to Jehat Mehmetoglu to operate Red Mei restaurant.

On May 11, 2011, staff visited the subject property and found that restaurant staff was not aware of the condition requiring them to park off-street. Otherwise, staff found no other violations of the conditions of Special Use Permit #2005-0048. On May 13, 2011, staff spoke with the new owner, Mr. Ensari, to inform him of condition #10, regarding staff parking. He agreed to comply. Staff has not received any complaints that would require staff to docket the special use permit for public hearing.

Parking

The subject property is located within the Central Business District (CBD). According to section 8-300(B) of the Zoning Ordinance, restaurants located within the CBD are exempt from 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. 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 request. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: May 20, 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 #2011-00027

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 business or entity in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided inside for no more than 25 patrons. (P&Z) (SUP #2676)
3. **CONDITION AMENDED BY STAFF:** ~~No outdoor dining facilities shall be located on the premises.~~ Outdoor seating may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. (P&Z) (SUP #2676)
4. The hours during which the business is open to the public shall be limited to 5:00 A.M. to 12:00 midnight, seven (7) days a week, as requested by the applicant. (P&Z) (SUP #2676)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2676)
6. 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 #2676)
7. Condition deleted. -(SUP#2003-0007)
8. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES) (SUP#2003-0007)
9. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2676)
10. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking and 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. (P&Z) (SUP#2003-0007)

11. No alcoholic beverages shall be sold or consumed on-premises. (P&Z) (SUP #2676)
12. Condition deleted. (P&Z) (SUP#2003-0007)
13. 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 and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP#2003-0007)
14. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and a robbery awareness program for all employees. (Police) (SUP#2005-00048)
15. No equipment including kitchen equipment shall be cleaned outside, nor shall any cooking residue or any other waste be washed onto the streets, sidewalks, alleys, or into storm sewers. (T&ES) (SUP#2003-0007)
16. 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#2003-0007)
17. **CONDITION AMENDED BY STAFF:** ~~The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in the Park Alexandria program or an equivalent parking subsidy program by which the regular parking price is discounted by at least \$1. (P&Z) (SUP#2003-0007)~~ The applicant shall post a sign directing patrons to the availability of parking at a nearby public parking garages where the applicant shall subsidize parking at least to the extent of \$1 off the regular price or 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 Old Town Comprehensive Parking Study (2009). (P&Z)
18. Meals ordered before the closing hour may be served, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2003-0007)
19. **CONDITION AMENDED BY STAFF** 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 and on how to prevent the underage sales of

alcohol. (P&Z) (SUP#2003-0007)

20. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall remove the public pay phone currently located in front of the restaurant.~~ (P&Z) (SUP#2003-0007)
21. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year from approval 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#2005-00048)
22. Condition deleted. (City Council) (SUP#2003-0007)