

DATE: November 18, 2010

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

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2010-0061
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Luby's Fuddrucker's Restaurants LLC
Location: 4141 C Duke Street
Zone: CC/Commercial Community

Request

Special Use Permit #2010-0061 is a request to change ownership of an existing restaurant from Fuddrucker's, Inc. to Luby's Fuddrucker's Restaurants LLC. No changes to the operation are proposed and the restaurant will continue to operate with a "fast-casual" concept serving primarily hamburgers and similar fare under the trade name "Fuddrucker's."

Background

On April 17, 1993, City Council granted Special Use Permit #2654 to Fuddrucker's-ARVI, Alexandria, Inc., to operate a restaurant offering carry-out service. On April 16, 1994, City Council reviewed and approved the continued operation of the restaurant (SUP #2654-A). On October 16, 1999, City Council granted Special Use Permit #99-0099 to Fuddrucker's, Inc. for the expansion of the existing restaurant.

On September 29, 2010, staff visited the subject property and found no violations of the conditions of Special Use Permit #99-0099. Staff has not received any complaints that would require it to docket the request 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 it to docket the request for public hearing.


Staff Action

Staff has worked with the applicant to clarify that the correct entity is listed as the official applicant for this case. Once this was done, the request had to be advertised a second time to account for the name change. Staff does not object to the change of ownership and hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: December 14, 2010

Action: Approved



Barbara Ross, Deputy Director

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

CONDITIONS OF SPECIAL USE PERMIT # 2010-0061

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) (SUP #2654)
2. Seating shall be provided inside for no more than 294 patrons. (P&Z) (SUP #2654)
3. Outside dining facilities shall be provided for no more than 32 patrons within the area delineated on the accompanying plan. (P&Z) (SUP #2654)
4. The hours of operation for outside dining facilities shall be limited to 11:00 A.M. to 9:00 P.M., daily and the area shall be scrubbed and washed down by 9:30 P.M. at the close of each day of operation. (P&Z)(SUP #2654-A)
5. **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 picked up as it is generated 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) (SUP #2654)
6. The hours of operation shall be limited to 11:00 A.M. to 11:00 P.M., seven days a week, as requested by the applicant. (P&Z) (SUP #2654-A)
7. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2654)
8. Trash and garbage shall be stored inside or in a dumpster, and the dumpster shall be screened to the satisfaction of the Director of Planning and Zoning. (PC) (SUP #2654)
9. 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 or debris shall be allowed to accumulate outside of those containers. (P&Z) (SUP#99-0099)
10. **CONDITION AMENDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (P&Z)(SUP #2654-A)
11. **CONDITION AMENDED BY STAFF:** There shall be no live music or performers. No live entertainment shall be permitted either inside the restaurant or in any outdoor dining area. (P&Z) (SUP #2654)

12. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2654)
13. **CONDITION AMENDED BY STAFF:** Beer and wine shall be sold for on-premise consumption only. No off-premises alcohol sales shall be permitted. (P&Z) (SUP #2654)
14. The applicant shall minimize detectable cooking odors by installing "state of the art" equipment to the satisfaction of the Health Department. (PC) (SUP #2654)
15. The parking lot shall be restriped in accordance with the parking plan submitted by the applicant dated March 29, 1993, subject to the approval of the Director of Transportation and Environmental Services. (PC) (SUP #2654)
16. Condition deleted. (SUP 99-0099)
17. Condition deleted. (SUP #2654-A)
18. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
19. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after 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 a 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#99-0099)
20. **CONDITION ADDED BY STAFF:** The applicant shall not operate delivery service from the restaurant. (P&Z)
21. **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)
22. **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)
23. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking. (P&Z)

24. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z)
25. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees and customers 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)
26. **CONDITION ADDED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business and robbery readiness training for all employees. (P&Z)