

DATE: May 13, 2011

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

FROM: Eileen Oviatt, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2011-0029
Administrative Review for Change of Ownership and Minor Amendment
Site Use: Restaurant
Applicant: Setareh, LLC
Location: 703 King Street
Zone: KR/King Street Retail

Request

Special Use Permit #2011-00029 is a request to change ownership of the business from Zorkafor's SandVeg, Inc. to Setareh, LLC and a minor amendment request to change the approved hours of operation. The current hours of operation are Monday – Thursday 7:00 a.m. to 8:00 p.m., and Friday – Sunday 8:00 a.m. to 9:00 p.m. The applicant proposes shifting three hours from the morning to the evening as follows: 11:00 a.m. to 12:00 midnight seven days per week. The new restaurant will operate under a similar quick service business model as the existing restaurant and will be called “Parsian.”

Background

On November 14, 1998, City Council granted Special Use Permit #98-0108 to Channel 2000 Inc., trading as Los Amigos Restaurant, to change the ownership of the business and to make multiple changes to the restaurant including additional seats, hours of operation, and live entertainment.

On September 9, 2002, staff administratively approved Special Use Permit #2002-0073 to change the ownership of the existing restaurant to Humberto Leon. On August 9, 2006, staff administratively approved Special Use Permit #2006-0069 to change the ownership of the restaurant to Zorkafor's SandVeg, Inc.

On September 15, 2009, staff administratively approved Special Use Permit #2009-0048 to change its approved hours of operation by shifting three hours from the evening to the morning, and to reduce the hours of operation by one hour three days per week.

The existing business has been closed since March 30, 2011, and there are no records of any complaints the restaurant or regarding violations of the special use permit conditions or the zoning ordinance. Staff has not received any complaints that would require staff to docket the special use permit for public hearing.

Parking

Per Section 8-300(B) of the Zoning Ordinance, restaurants located in the Central Business District (CBD) are exempt from parking requirements. Nonetheless, Condition #9 of SUP#2009-0048 required that the applicant participate in Park Alexandria or a similar discounted parking program.

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 or the minor amendment request to shift the hours of operation of the restaurant. Consistent with Section 11-511(A)(2)(a), the applicant's proposed shift in hours will result in no increase in hours of operation, and will be consistent with hours of operation of similar restaurants in the neighborhood. Staff hereby administratively approves the change of ownership and the minor amendment subject to the conditions attached to this report.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: May 24, 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 #2011-0029

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 #1572-A)
2. Seating shall be provided for no more than 60 patrons. (PC) (SUP #98-0108)
3. 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 #2009-0048)
4. **CONDITION AMENDED BY STAFF:** The hours during which the business is open to the public shall be restricted to between ~~7:00am and 8:00pm Monday through Thursday, and between 8:00am to 9:00pm Friday, Saturday, and Sunday~~ **11:00 a.m. and 12:00 midnight, seven days per week.** (P&Z) (SUP ~~#2009-0048~~)
5. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #1572-A)
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 or debris shall be allowed to accumulate on site outside of these containers. (P&Z) (SUP #98-0108)
7. Condition deleted. (SUP#98-0108)
8. Condition deleted. (SUP#98-0108)
9. The applicant shall post a signs directing patrons to the availability of parking at 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/T&ES) (SUP #2009-0048)
10. The applicant shall require that employees who drive to work 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/T&ES) (SUP #2009-0048)

11. Delivery service shall be limited to one delivery vehicle, either a bicycle or a moped, and shall be stored on the applicant's property and not on any public rights-of-way when not in use. (P&Z) (SUP #98-0108)
12. Live entertainment shall be limited to one guitar player with no amplification system. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring the food service as well as the entertainment. (P&Z) (SUP #98-0108)
13. On premises alcohol service shall be permitted. No off-premises alcohol sales are permitted. (P&Z) (SUP#2006-0069)
14. The applicant may not provide alcohol service to standing customers. (P&Z) (SUP #98-0108)
15. 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) (SUP #98-0108)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP #98-0108)
17. 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 and Environmental Services. (T&ES) (SUP#2006-0069)
18. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (T&ES) (SUP#2006-0069)
19. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for the employees. (Police) (~~SUP #2009-0048~~)
20. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #98-0108)
21. 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 #2009-0048)
22. Meals ordered before the closing hour may be sold, but no new patrons may be admitted after the closing hour and no alcoholic beverages may be sold after the closing hour and all patrons must leave by one hour after the closing hour. (P&Z) (SUP #2009-0048)
 23. The applicant shall conduct employee training sessions on an ongoing basis, including as a part of any employee orientation, to discuss all SUP provisions and requirements and on how to prevent the underage sales of alcohol. (P&Z) (SUP #2009-0048)
 24. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP #2009-0048)