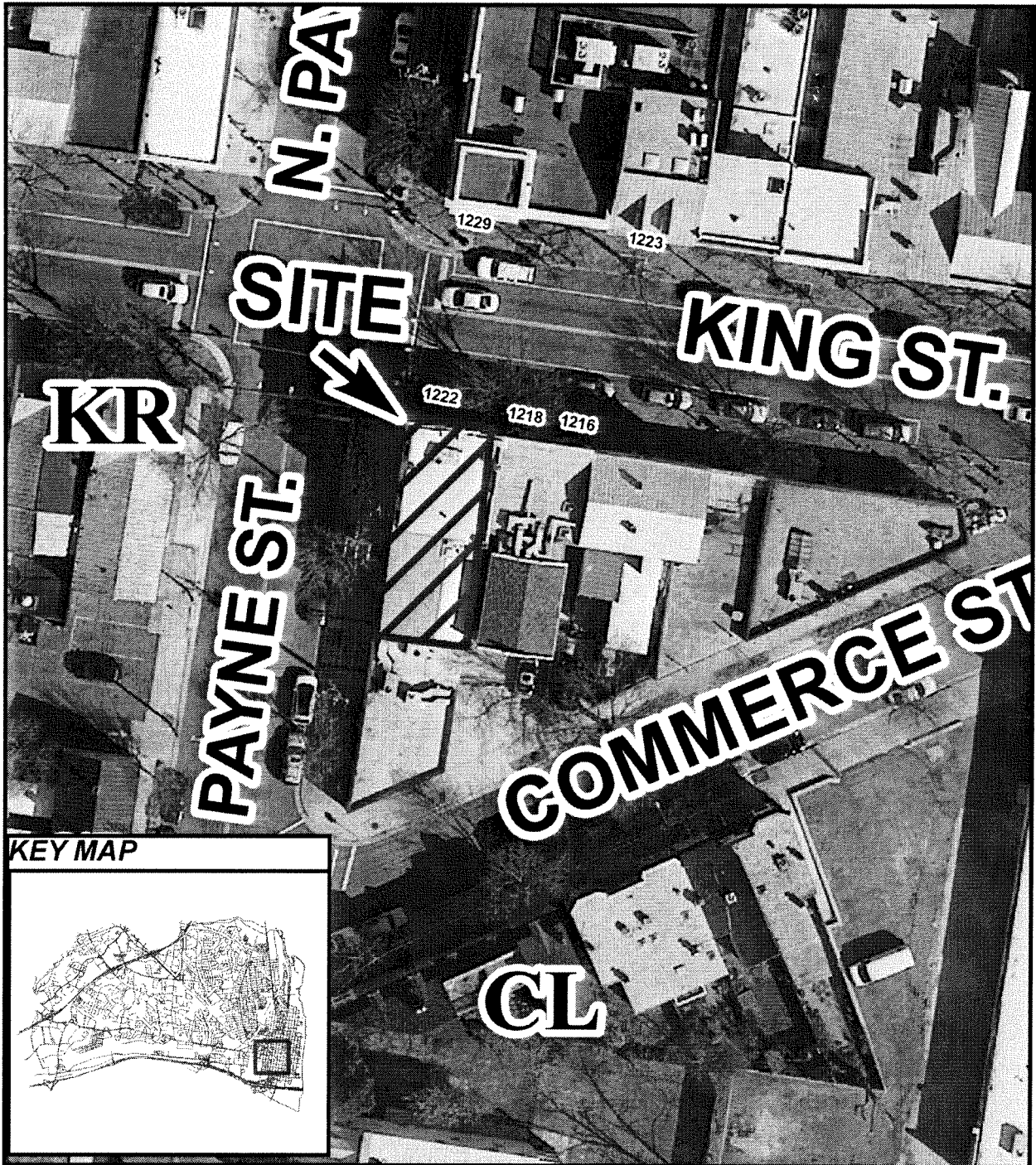


DOCKET ITEM #5
Special Use Permit #2010-0045
1222 King Street - La Fromagerie – Restaurant

Application	General Data	
Request: Consideration of a request to operate a restaurant.	Planning Commission Hearing:	October 5, 2010
	City Council Hearing:	October 16, 2010
Address: 1222 King Street	Zone:	KR/King Street Retail
Applicant: Sebastien Tavel	Small Area Plan:	Old Town

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov



SUP #2010-0045

10/05/10



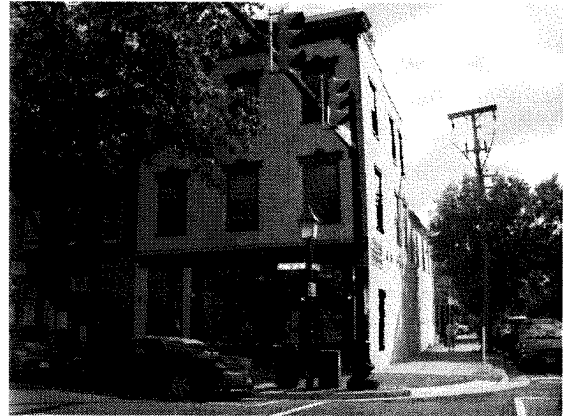
I. DISCUSSION

REQUEST

The applicant, Sebastien Tavel, requests special use permit approval for the operation of a restaurant at his existing retail wine and cheese shop located at 1222 King Street.

SITE DESCRIPTION

The subject property is one irregularly-shaped lot of record with 26 feet of frontage on King Street, 116 feet of frontage on South Payne Street, 31 feet of frontage on Commerce Street, and a total lot area of 2,782 square feet. The site is developed with two buildings. The three-story building facing King Street contains the applicant's wine and cheese shop on the first floor, a professional office on the second floor, and a residential apartment on the third floor. A small one-story commercial building housing a dry cleaner's shop facing South Payne Street occupies the rear portion of the lot.



The surrounding area is occupied by primarily commercial and office uses. An office building with a cellular phone store on the ground level is located to the north of the site. Professional offices are located to the east. In addition to the dry cleaner's shop to the south, the Icehouse building, a hair salon and professional offices are located near the intersection of South Payne and Commerce Streets. The Pines of Florence restaurant is located to the west.

BACKGROUND

A Special Use Permit was approved for a billiard hall on this site in the mid 1950s. Prior to the opening of the applicant's retail wine and cheese shop in 2008, a retail shop specializing in dog-related products was located at this site.

PROPOSAL

The applicant proposes to operate a restaurant serving mostly sandwiches, soups, and cold meat and cheese plates at his existing retail wine and cheese shop. He proposes 38 indoor seats and may apply under the King Street Outdoor Dining program for additional outdoor seats. The restaurant will offer table service in the evenings and carry-out service throughout the day. Limited live entertainment will also be offered. Additional details of the applicant's proposal are as follows:

Hours of Operation: 11:00am – 12:00 midnight daily

Number of seats: 38 indoor seats

<u>Type of Service:</u>	Table service (evenings) and carry-out
<u>Alcohol:</u>	On and off-premises alcohol sales
<u>Live Entertainment:</u>	Live background music for restaurant patrons, typically one or two musicians playing jazz or blues
<u>Delivery:</u>	No delivery service will be offered
<u>Noise:</u>	Typical restaurant noises expected, door will be closed to prevent excessive noise
<u>Trash/Litter:</u>	About 3-4 bags will be generated per day, which will be collected daily

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.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Retail Zone. Section 4-503(W) of the Zoning Ordinance allows a restaurant in the KR zone only with a special use permit.

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff supports the applicant's proposal to operate a restaurant at his existing retail shop. The restaurant use is complimentary to the existing retail use at the site, which will continue. The restaurant is consistent with the Old Town Restaurant Policy and the King Street Retail Strategy and, particularly given its small size, is not expected to create significant impacts on the surrounding neighborhood.

The Old Town Restaurant Policy requires a finding that restaurants will not significantly impact nearby residential neighborhoods. More specifically it asks that that each restaurant be reviewed with regard to the following factors: the impact of the restaurant on parking in the adjacent neighborhood, the potential for litter, late night hours, the predominance of alcohol and a balance of uses.

- **Parking**

Although some potential exists for the use to create parking impacts on the surrounding neighborhood, staff does not anticipate these impacts to be significant given that the restaurant will be small and that public parking is available one block away in the South Henry Street lot. Staff has also included a condition requiring the applicant to participate in an organized parking program formed as a result of suggested parking strategies in the King Street Retail Strategy.

- **Litter**

Although restaurants have some potential to generate litter as a general matter, staff believes that standard conditions contained in this report sufficiently address any litter concerns.

- **Late Night Hours, Alcohol and Live Entertainment**

The restaurant is proposed to stay open until 12:00 midnight daily, which is similar to other restaurants on King Street. The applicant has stated that the restaurant will offer a balanced ratio of alcohol to food, which is reasonable for a combined restaurant and wine and cheese shop that will offer on and off-premises alcohol sales. The live entertainment proposed by the applicant is not expected to create an atmosphere in which on-premises alcohol sales will predominate over food. The tenant space is small and fragile goods will be displayed around the establishment for retail customers. More significantly, the entertainment will typically feature only one or two musicians playing jazz or blues as background music for restaurant patrons. Staff has included condition language requiring entertainment to remain limited to background music for restaurant patrons. Staff has also included condition language requiring the live entertainment to end no later than 10:00pm each night given that a residential apartment is located on the third floor of the building.

- **Balance of Uses/King Street Retail Strategy**

Staff finds that the immediate area will retail a vibrant mix of uses even with the proposed restaurant in operation. In fact, a majority of uses near the corner of King and Payne Streets are retail and include the Pacers running store, the T-Mobile cellular phone store, two clothing stores, a comic book shop, and several home furnishing stores.

The proposal also supports the King Street Retail Strategy. The restaurant use will promote an active pedestrian streetscape. It is not a chain restaurant nor does it meet a traditional definition of fast-food. It is not replacing existing retail, since the applicant's wine and cheese shop will remain. Overall the proposal seems to fit well within the unique character of Old Town.

Finally, staff also notes that it recommends a modification to standard condition language regarding the sales of alcohol for off-premises consumption. The modified language, which has been used at some other restaurants in the City, will permit the applicant to continue to sell premium ports, sherries and other fortified wine. Subject to the conditions contained in this report, staff recommends approval of the applicant's request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. 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)
2. The hours of operation of the restaurant shall be limited to between 11:00am and 12:00 midnight, seven days/week. (P&Z)
3. The maximum number of indoor seats at the restaurant shall be 38. Additional 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)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. Limited live entertainment in the form of background music for restaurant patrons shall be permitted to the extent that no amplified sound is audible outside the restaurant. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. All entertainment shall cease by 10:00pm each night. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. No admission or cover fee shall be charged. (P&Z)
6. No live entertainment shall be permitted in any future outdoor dining area. (P&Z)(T&ES)
7. No delivery service shall operate from the restaurant. (P&Z)
8. On and off-premises alcohol sales may be permitted at the restaurant. Beer or wine coolers may be sold only in 4-packs, 6-packs, or bottles of more than 40 fluid ounces. Wine may be sold in bottles of at least 375 ml. Fortified wine (wine with an alcohol content of 14% or more by volume) in the form of dessert wines, premium ports and sherries, and similar wines may be sold. (P&Z) (Police)
9. 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)
10. 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)
11. No food, beverages, or other material shall be stored outside. (P&Z)

12. 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)
13. 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)
14. The applicant 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 King Street Retail Strategy. (T&ES)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. 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. 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. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
19. 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)
20. The applicant is to 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. (Police)
21. The applicant shall provide a menu or list of foods and equipment to be handled at this facility to the Health Department prior to opening. (Health)
22. 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)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 Property is located within the King Street Outdoor Dining Area, for approval of the outdoor seating, applicant shall submit a separate application for the King Street Outdoor Dining Program. (T&ES)
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 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)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 Live entertainment is prohibited from the outdoor seating area. (T&ES)
- R-6 The applicant 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 King Street Retail Strategy. (T&ES)
- R-7 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)
- R-8 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)
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (TES) (SUP2010-0031)
- C-3 In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form.

Code Enforcement:

- C-1 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-2 Toilet Rooms for Persons with Disabilities:
 - (a) Water closet heights must comply with USBC 1109.2.2
 - (b) Door hardware must comply with USBC 1109.13
- C-3 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C-4 Required exits, parking, and facilities shall be accessible for persons with disabilities.
- C-5 The applicant must obtain a Certificate of Occupancy prior to occupancy (use) of the structure (USBC 116.1).
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-8 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.

- (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.
- C-9 The current use is classified as Mercantile; the proposed use is B- Business. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-10 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.

BAR:

- F-1 1222 King Street is located in the Old and Historic Alexandria Historic District and is under the jurisdiction of the Old and Historic Alexandria Board of Architectural Review (BAR). The application is for a restaurant use at this location. Any future outdoor dining area requires separate approval under the King Street Outdoor Dining Program. While no exterior alterations to the building are discussed with this application, the applicant is reminded that any exterior changes to the buildings visible from a public-right-of-way, including but not limited to new signage, window replacements, roofing or siding materials replacement, fencing, exterior light fixtures, and any exterior demolition or encapsulation greater than 25 square feet requires approval by the Board of Architectural Review. It is the applicant's responsibility to inform BAR Staff should such issues develop.

Health Department:

- F-1 This facility is currently operating as La Fromagerie under an Alexandria Health permit, issued to La Fromagerie, LLC.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.
- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2,

Food and Food Establishments. There is a \$200.00 fee for review of plans for food facilities.

- C-3 Approval must be obtained prior to use of the modified areas.
- C-4 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5 A Certified Food Manager must be on duty during all hours of operation.

Parks and Recreation:

- F-1 No Comment

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- R-3 The applicant indicated that the business already has an "ABC Off" license and an "ABC On" license will be sought. The Police Department has no objections to either license subject to the following conditions for alcohol sold off premise:
 - 1. Beer or wine coolers may be sold only in 4-packs, 6-packs, or bottles of more than 40 fluid ounces. Wine may be sold in bottles of at least 375 ml. Fortified wine (wine with an alcohol content of 14% or more by volume) in the form of dessert wines, premium ports and sherries, and similar wines may be sold.
 - 2. That the SUP is reviewed after one year.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0045

PROPERTY LOCATION: 1222 KING STREET

TAX MAP REFERENCE: 07A-01.03-01 ZONE: KR

APPLICANT:

Name: SEBASTIEN TAVEL

Address: 1222 KING STREET ALEXANDRIA, VA 22314

PROPOSED USE: SERVING PREPARED FOOD INCLUDING (BUT NOT LIMITED TO)

SANDWICHES, CHEESE AND COLD CUT PLATES, SALADS, COFFEE, WINE & BEER ON PREMISES

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

SEBASTIEN TAVEL
Print Name of Applicant or Agent

[Signature] 6-23-2010
Signature Date

1222 KING STREET
Mailing/Street Address

703-862-7157 N/A
Telephone # Fax #

ALEXANDRIA, VA 22314
City and State Zip Code

info@LAFROMAGERIEONLINE.COM
Email address

ACTION-PLANNING COMMISSION:	DATE:
ACTION-CITY COUNCIL:	DATE:

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 1222 KING STREET, I hereby
 (Property Address)
 grant the applicant authorization to apply for the SALE OF PREPARED FOOD use as
 (use)
 described in this application.

Name: Cloverdale, LLC (formerly Cloverdale
 Please Print William D. Cammack Corporation) Phone: 703-836-8801
 Address: 216 South Payne Street, Alexandria, VA Email: cloverdalellc@verizon.net
22314
 Signature: [Handwritten Signature] Date: 7/16/2010

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

- Required floor plan and plot/site plan attached.
- Requesting a waiver. See attached written request.

2. The applicant is the (check one):

- Owner
- Contract Purchaser
- Lessee or
- Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

OWNERSHIP AND DISCLOSURE STATEMENT
Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. SEBASTIEN TAVEL	1222 KING STREET ALEXANDRIA, VA 22314	50%
2. MARY TAVEL	SAME	50%
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1222 KING STREET (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Robert E. Cummack Family Generation Trust	216 South Payne Street Alexandria, VA 22314	15.364%
2. John E. Cummack Residuary Trust	216 South Payne Street Alexandria, VA 22314	10.76%
3.	No other members with greater than 10% ownership	

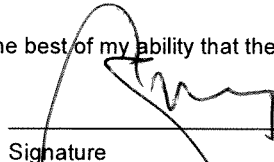
3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. N/A	N/A	N/A
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

6/23/10 SEBASTIEN TAVEL
Date Printed Name


Signature

SUP # 2010-0045

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

[] Yes. Provide proof of current City business license

[] No. The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

LA FROMAGERIE IS A RETAIL OPERATION SELLING CHEESE, CURED MEATS AND WINE. A SUP IS REQUESTED IN ORDER TO OFFER PREPARED FOOD TO THE RESIDENTS, VISITORS AND WORKERS OF OLD TOWN - FOOD WILL CONSIST OF (BUT NOT LIMITED TO) SANDWICHES, SALADS, CHEESE & MEATS PLATES, SOUPS. COFFEE, SODAS, WINE AND BEERS WILL ALSO BE OFFERED -

MOST ITEMS ON THE MENU WILL BE COLD. HOT ITEMS WILL BE RE-HEATED OR PREPARED USING A MICROWAVE AND A VENTLESS OVEN -

Revised * 38 SEATS WILL BE PROVIDED INSIDE AND 6 OUTSIDE

Revised * LIMITED ENTERTAINMENT AS BACKGROUND FOR PATRONS

SUP # 2010-0045

USE CHARACTERISTICS

- 4. The proposed special use permit request is for (check one):
 - a new use requiring a special use permit,
 - an expansion or change to an existing use without a special use permit,
 - an expansion or change to an existing use with a special use permit,
 - other. Please describe: _____

- 5. Please describe the capacity of the proposed use:
 - A. How many patrons, clients, pupils and other such users do you expect?
Specify time period (i.e., day, hour, or shift).
25 PATRONS PER HOUR DURING LUNCHTIME (12PM - 2PM) AND DINNER TIME
 - B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
BETWEEN 3 AND FIVE EMPLOYEES DEPENDING ON DAYS

- 6. Please describe the proposed hours and days of operation of the proposed use:

Day: <u>7 DAYS / WEEK</u>	Hours: <u>11 AM - 12 PM</u>
_____	_____
_____	_____
_____	_____

- 7. Please describe any potential noise emanating from the proposed use.
 - A. Describe the noise levels anticipated from all mechanical equipment and patrons.
LEVEL OF NOISE EXPECTED IN A GOURMET RETAIL FOOD STORE AND DEPT. OF CAFE -
 - B. How will the noise be controlled?
NO EXCEPTIONAL LEVEL OF NOISE EXPECTED

8. Describe any potential odors emanating from the proposed use and plans to control them:

NO ODORS AS MOST OF THE FOOD WILL BE COLD OR
REHEATED IN A MICROWAVE OR VENTLESS OVEN -

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)
PLASTIC WRAP, FOOD WASTE, PAPER NAPKINS, CUPS ETC...

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)
ABOUT 3 OR 4 BAGS PER DAY

C. How often will trash be collected?
DAILY

D. How will you prevent littering on the property, streets and nearby properties?
FOOD OPERATIONS WILL BE MOSTLY CONTAINED INSIDE THE BUILDING - STAFF WILL CLEAN THE OUTSIDE TABLES -

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[] Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

[] Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

All employees will be hired, trained and supervised by the owners - both owners are certified food safety managers -

ALCOHOL SALES

13.

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes [] No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

The business already holds an ABC license for beer and wine off premises. An application for a beer and wine on premises will be filed. ~~beer and wine~~

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

- Standard spaces
- Compact spaces
- Handicapped accessible spaces.
- Other.

Planning and Zoning Staff Only
Required number of spaces for use per Zoning Ordinance Section 8-200A _____
Does the application meet the requirement? [] Yes [] No

B. Where is required parking located? (check one)

- on-site
- off-site

If the required parking will be located off-site, where will it be located?

Public Parking is located 1/2 block away on S. Hendry St.

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? 0

Planning and Zoning Staff Only
Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____
Does the application meet the requirement? [] Yes [] No

B. Where are off-street loading facilities located? N. Fayette St

C. During what hours of the day do you expect loading/unloading operations to occur?
IN THE MORNING - BETWEEN 9 AM AND 11 AM

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
TWICE A WEEK

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
NO STREET IMPROVEMENT NEEDED

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No
Do you propose to construct an addition to the building? Yes No
How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?
1,300 sq. ft. (existing) + _____ sq. ft. (addition if any) = 1,300 sq. ft. (total)

19. The proposed use is located in: (check one)
 a stand alone building
 a house located in a residential zone
 a warehouse
 a shopping center. Please provide name of the center: _____
 an office building. Please provide name of the building: _____
 other. Please describe: Row of attached buildings - all retail

End of Application

REVISED

SUP # 2010-0045



APPLICATION

RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?
Indoors: ~~40~~ 38 Outdoors: 6 Total number proposed: ~~40~~ ~~46~~ 44

2. Will the restaurant offer any of the following?
Alcoholic beverages (SUP only) Yes No
Beer and wine — on-premises Yes No
Beer and wine — off-premises Yes No

3. Please describe the type of food that will be served:
CHEESE AND MEAT PLATES, SANDWICHES, SALADS, Soups

4. The restaurant will offer the following service (check items that apply):
 table service bar carry-out delivery

5. If delivery service is proposed, how many vehicles do you anticipate? N/A
Will delivery drivers use their own vehicles? Yes No
Where will delivery vehicles be parked when not in use?

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
 Yes No

If yes, please describe:
LIMITED ENTERTAINMENT AS BACKGROUND MUSIC FOR PATRONS -

Parking impacts. Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
 100%
 75-99%
 50-74%
 1-49%
 No parking can be accommodated off-street
2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
 All
 75-99%
 50-74%
 1-49%
 None
3. ~~What is the estimated peak evening impact upon neighborhoods?~~ (check one)
 No parking impact predicted
 Less than 20 additional cars in neighborhood
 20-40 additional cars
 More than 40 additional cars

Litter plan. The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

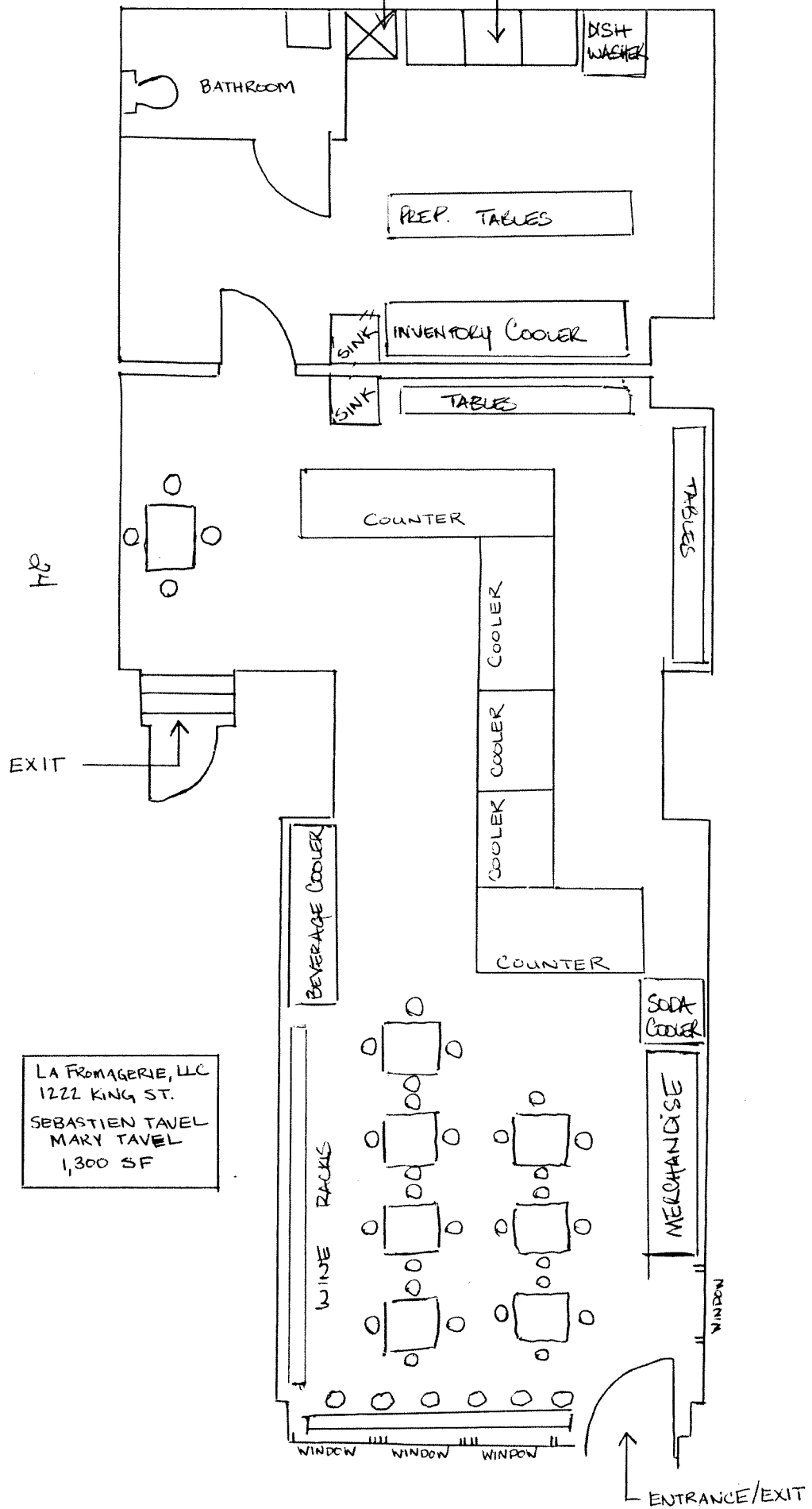
Alcohol Consumption and Late Night Hours. Please fill in the following information.

1. Maximum number of patrons shall be determined by adding the following:
38 Maximum number of patron dining seats
+ — Maximum number of patron bar seats
+ — Maximum number of standing patrons
= 38 Maximum number of patrons
2. 5 Maximum number of employees by hour at any one time
3. Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)
 Closing by 8:00 PM
 Closing after 8:00 PM but by 10:00 PM
 Closing after 10:00 PM but by Midnight
 Closing after Midnight
4. Alcohol Consumption (check one)
 High ratio of alcohol to food
 Balance between alcohol and food
 Low ratio of alcohol to food

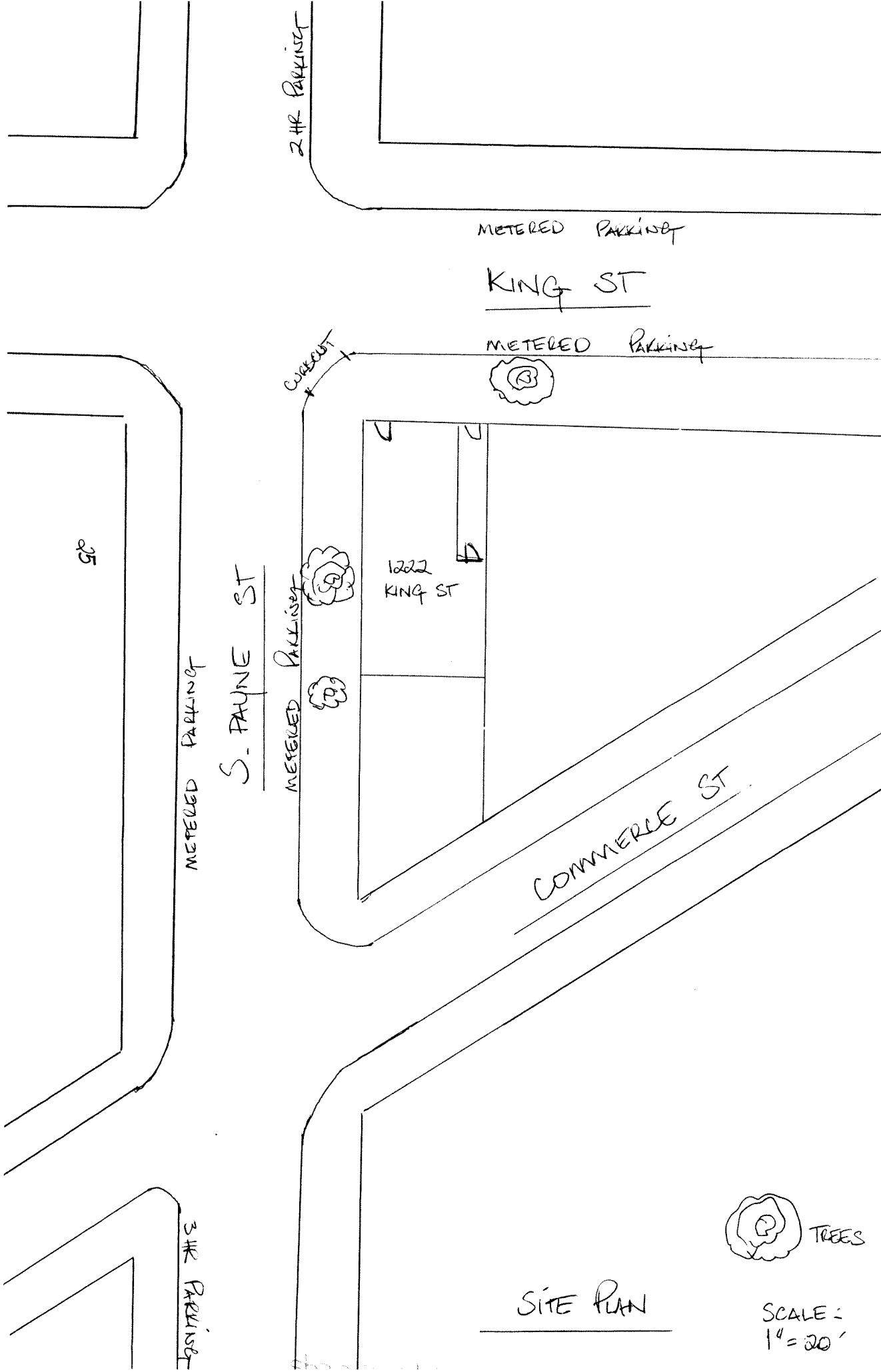
MOP SINK

3 COMPARTMENT SINK

3/4
2010-0045



LA FROMAGERIE, LLC
 1222 KING ST.
 SEBASTIEN TAVEL
 MARY TAVEL
 1,300 SF



24HR PARKING

METERED PARKING

KING ST

METERED PARKING

CUTBACK



SC

S. PAYNE ST

METERED PARKING

1222
KING ST

COMMERCE ST



SITE PLAN

SCALE =
1" = 30'

24HR PARKING