

Docket Item #4  
SPECIAL USE PERMIT #2005-0069

Planning Commission Meeting  
September 8, 2005

**ISSUE:** Consideration of a request for a special use permit to allow the sale of beer and wine on and off premises.

**APPLICANT:** Gholamreza Sanjideh

**LOCATION:** 650 South Pickett Street

**ZONE:** I/Industrial

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**STAFF RECOMMENDATION:** Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

**SITE GRAPHIC**  
**AVAILABLE IN THE PLANNING AND ZONING OFFICE**

## I. DISCUSSION

### REQUEST

The applicant, Gholamreza Sanjideh, requests special use permit approval to allow the sale of beer and wine on and off premises at 650 South Pickett Street.

### SITE DESCRIPTION

The subject property is one lot of record with 416 feet of frontage on South Pickett Street, a depth of 362 feet and a total of 132,130 square feet. A two-story warehouse building of 61,600 square feet is located on the property.

Other tenants in the building include Shenandoah Brewing Company (SUP#99-0022), Nick's Restaurant (SUP#2816), and office and wholesale uses. To the north is a granite and marble supplier. To the south is Backlick Run.



### BACKGROUND AND PROPOSAL

On June 12, 2004, City Council granted Special Use Permit #2004-0033 to increase the number of seats and change the hours of operation at the subject restaurant. The existing 44-seat restaurant is part of a retail/wholesale bakery that serves international foods, breads, and pastries and offers take-out and delivery services. The applicant is requesting to sell alcohol, which is not allowed under the existing SUP. The applicant wants to sell beer produced by the adjacent tenant, Shenandoah Brewing Company. The applicant also wishes to sell beer and wine by the glass on premise. Additionally, the applicant may hold wine tastings in the future. No other changes are proposed.

On June 15, 2005 staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found that the applicant per condition #20 of SUP2004-0033 had not placed landscaped planters on the deck as required. Upon a subsequent visit, staff found that the applicant had corrected the violation.

### PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for every four seats. A restaurant with 64 seats will be required to provide 16 off-street parking spaces. There are approximately 144 surface parking spaces for the entire building. As part of the prior SUP request, staff evaluated the parking conditions for the entire center and determined that there was sufficient parking for the center, including the required 16 spaces for the subject business.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the I/Industrial zone. Section 4-1202 (R.1) of the Zoning Ordinance allows a restaurant in the I zone only with a special use permit.

The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for industrial use.

**II. STAFF ANALYSIS**

Staff supports the request to sell alcohol on and off premise. The applicant proposes to sell beer and wine by the glass on premise and has indicated that his main intent for an off-premise ABC license is to sell beer produced by Shenandoah Brewery. Staff has recommended a condition that restricts the sale of beer to 4- or 6-packs or in bottles of more than 40 ounces, which is similar to conditions placed on other restaurants requesting off-premise sales. The applicant does not plan to sell wine by the bottle on or off premise, but indicated that he plans to hold wine tastings. Staff has not included a condition restricting the sale of wine by the bottle for this reason. However, staff does recommend that wine sold off premise be no less than 750 ml and fortified wine may not be sold.

Police calls for service show no activity at this business that would indicate that alcohol sales would pose a problem, and staff has also included a condition requiring a review one year after approval. With the following conditions, staff recommends approval of the special use permit.

**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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2003-0063)
2. Seating shall be provided for no more than 64 patrons. (P&Z) (SUP #2004-0033)
3. Outside dining facilities may be located on private property but shall not eliminate required parking spaces. Prior to the installation of an outdoor dining deck, the applicant shall submit plans and obtain approval of the Director of Planning and Zoning for the deck's design, location and construction. The applicant shall ensure that access is provided per code requirements and that the seating area is cleaned at the close of each day of operation. (P&Z) (SUP #2004-0033)
4. Live entertainment is permitted. (P&Z) (SUP#2003-0063)

5. The hours of operation shall be limited to 6:00 A.M. to 12:00 midnight daily. (P&Z)(SUP #2004-0033)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2003-0063)
7. **CONDITION AMENDED BY STAFF:** ~~No alcoholic beverages shall be sold for on or off-premises consumption. (P&Z) (SUP#2003-0063)~~ On-premise beer and wine service is permitted. For off-premises sales, the following rules apply: Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of 40 fluid ounces or more. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2003-0063)
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 and debris shall be allowed to accumulate on-site outside of those containers. (P&Z) (SUP#2003-0063)
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) (SUP#2003-0063)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2003-0063)
12. 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) (SUP#2003-0063)
13. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2003-0063)
14. The applicant shall require that its employees who drive use off-street parking. (P&Z) (SUP#2003-0063)

15. Condition deleted. (P&Z)(SUP #2004-0033)
16. 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#2003-0063)
17. The applicant shall conduct an employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP#2003-0063)
18. 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 #2004-0033)
19. The applicant shall 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 #2004-0033)
20. The applicant shall install and maintain landscaped planters, to include four seasons of plants in at least two containers of a style and at a location approved by the Department of Planning and Zoning. (P&Z) (SUP #2004-0033)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;  
Richard Josephson, Deputy Director;  
Katrina Newton, Urban Planner.

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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 No Comments

##### 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.

##### Health Department:

F-1 No comments.

##### Police Department:

The Police Department reviewed the calls for service for this business from January 1, 2003 – July 8, 2005. There are no calls that would suggest opposing an “ABC” permit. Therefore, the Police Department has the following recommendation:

R-1 Recommend “ABC On” license only. If “ABC Off” is approved we recommend the following conditions:

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 only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
2. That the SUP is reviewed after one year.

SUP#2005-0069  
650 South Pickett Street

**REPORT ATTACHMENTS  
AVAILABLE IN THE PLANNING AND ZONING OFFICE**