

Docket Item #5  
SPECIAL USE PERMIT #2005-0087

Planning Commission Meeting  
October 4, 2005

**ISSUE:** Consideration of a request for a special use permit amendment to extend the hours of operation and to allow alcohol sales at an existing restaurant.

**APPLICANT:** Lek's Family, Inc.  
by Mary Catherine Gibbs, attorney

**LOCATION:** 907 King Street

**ZONE:** KR/King Street Urban Retail

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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, Lek's Family, Inc., requests special use permit approval to extend the hours of operation and add alcohol sales at an existing restaurant.

### SITE DESCRIPTION

The subject building has 24 feet of frontage on King Street, a depth of 100 feet and a lot area of 2,400 square feet. The property is developed with a three (3) story building.

The surrounding area is occupied by a mix of commercial uses, including retail and restaurant.

### BACKGROUND

On May 18, 1987, City Council granted Special Use Permit #2000 to Seema Enterprises Inc. to operate a 70-seat full-service restaurant at 907 King Street. The restaurant was subsequently purchased by a new owner three years later. On December 15, 1990, City Council granted Special Use Permit #2000-A to Herbas Inc., t/a Papa John's, for a change in ownership of the 70-seat restaurant. On October 12, 1991, City Council granted Special Use Permit #2000-B to change the ownership of the restaurant to Lek's Family, Inc., and to change the hours of operation.

On September 2, 2005, staff inspected the subject restaurant for compliance with SUP#2000-B, and found no violations.

### PROPOSAL

The current request is to allow the service of on-premise alcohol along with the beer and wine currently offered, and to extend the hours of operation. The current and proposed hours are as follows:

<u>Existing Hours</u>	<u>Proposed Hours</u>
7:00 am-10:00 pm, Sunday through Thursday	10:00 am-11:00 pm
7:00 am-11:00 pm, Friday and Saturday	10:00 am-1:00 am

No other changes are proposed. Staff is not aware of any issues at the restaurant regarding the existing beer and wine sales.

### PARKING

The restaurant's location within the Central Business District of Historic Alexandria exempts the applicant from the requirement to provide off-street parking.

ZONING/MASTER PLAN DESIGNATION

The subject property is located within the newly enacted King Street Urban Retail (KR) zone. As per Section 6-702(A)(2)(k) of the Zoning Ordinance, restaurants are permitted within the KR zone only with a special use permit. The proposed use is consistent with the *King Street Retail Strategy*, which advocates active retail and restaurant uses on the ground floor of buildings along King Street.

**II. STAFF ANALYSIS**

Staff does not object to the proposed extension of operating hours and the addition of on-premise alcohol service. The hours are consistent with other restaurants on King Street, including Las Tapas in the 700 block, who has the same hours, and the Majestic Restaurant next door, who has a 1:00 am daily closing hour. Staff is not aware of issues at the restaurant with the existing beer and wine sales.

Staff recommends including standard restaurant conditions, including employee training on preventing underage sales of alcohol, and a one year review.

With these 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. **CONDITION AMENDED BY STAFF:** The special use permit shall be ~~That the permit be~~ granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. That seating be provided inside for no more than 70 patrons. (P&Z)
3. **CONDITION DELETED BY STAFF:** ~~That no outside dining facilities be located on the premises.~~ (P&Z) (SUP #2000)
4. That no food, beverages, or other material be stored outside. (P&Z) (SUP #2000)
5. That trash and garbage be stored inside or in a dumpster. (P&Z) (SUP #2000)
6. That trash and garbage be collected daily when the business is open. (P&Z) (SUP #2000)

7. That one (1) standard City trash container be furnished to the City of Alexandria for installation by the City on the adjacent public right-of-way. (SUP #2000) (*Installed per inspection 10/31/1994*)
8. That litter on the site and on public rights-of-way and spaces adjacent to or within 75.00 feet of the premises be picked up at least twice a day, 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 #2000)
9. **CONDITION AMENDED BY STAFF:** That the hours during which the business is open to the public be restricted to the following:  
  
7:00 A.M. to ~~10:00 P.M.~~ 11:00 P.M.- Sunday through Thursday  
7:00 A.M. to ~~11:00 P.M.~~ 1:00 A.M.- Friday and Saturday (P&Z)
10. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)
11. **CONDITION ADDED BY STAFF:** Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
12. **CONDITION ADDED BY STAFF:** 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)
13. **CONDITION ADDED BY STAFF:** Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
14. **CONDITION ADDED BY STAFF:** 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)
15. **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)

16. **CONDITION ADDED BY STAFF:** 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, 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: Eileen Fogarty, Director, Department of Planning and Zoning;  
Richard Josephson, Deputy Director;  
Valerie Peterson, 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:

- 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 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (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.

##### Code Enforcement:

- C-1 A new Fire Prevention Permit is required to reflect the addition of live entertainment.
- C-2 A construction permit is required for the proposed awning.
- C-3 Awnings must comply with all applicable requirements of USBC 3105 and 3202. Fixed awnings must have a minimum 7 foot clearance from a sidewalk to the lowest part of the framework or any fixed portion of any retractable awning is required.
- C-4 Fixed awnings must be designed and constructed to withstand wind or other lateral loads and live loads required by the USBC. Structural members must be protected to prevent deterioration (USBC 3105.2).

##### Health Department:

- F-1 No comments

Police Department:

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.

F-1 The Police Department has no objections to the extended hours.



SUP#2005-0087  
907 King St

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