

DATE: July 24, 2023

TO: Tony LaColla, Division Chief, Land Use Services
Department of Planning and Zoning

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00055
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Uyanga Tsogtbaatar
Location: 222 North Lee Street
Zone: CD / Commercial Downtown

Request

Special Use Permit #2023-00055 is a request to change ownership of an existing restaurant from Oyuntsetseg Olombayar to Uyanga Tsogtbaatar. The applicant will continue to operate the business as “Jack’s Place” and will specialize in breakfast cuisine, while also offering lunch and dinner options. The hours of operation for the restaurant will be 7 a.m. – 11 p.m., daily. The applicant proposes to maintain the existing restaurant floor plan of approximately 625 square feet with 15 indoor seats. There is no outdoor dining, live entertainment, or applicant-operated delivery services proposed.

Background

The subject site is an approximately 2,500 square foot building constructed in the early 20th century and currently is host to four separate tenants who share three entrances. Tenants include two personal services, a retail store and the subject restaurant. In May 1982, City Council first approved Special Use Permit #1461 for the operation of a carry-out restaurant at this location. In November 1983, City Council approved Special Use Permit #1461A, amending the previous approval, to add 15 seats and increase the daily operating hours. In December 1983, City Council approved Special Use Permit #1617 to change ownership of the existing restaurant to Lee Street Beef Company. In May 1996, staff administratively approved Special Use Permit #96-00071 for a change of ownership from Lee Street Beef Company to Jack R. Davis. In December 2016, staff administratively approved Special Use Permit #2016-00078 for a change of ownership from Jack R. Davis to Batjargal Tserendolgor. In June 2017, staff administratively approved Special Use Permit #2017-00058 for a minor amendment to the existing Special Use Permit to add alcohol sales to the business. Most recently, in February 2022, staff administratively approved Special Use Permit #2022-00002 for a change of ownership from Batjargal Tserendolgor to Oyuntsetseg Olombayar.

Parking

The subject property is located within the Central Business District (CBD). Pursuant to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from ordinary

parking requirements.

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, the North Old Town Independent Citizens Association, the West Old Town Citizens Association, and the Old Town North Community Partnership were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses regarding the request.

Staff Action

Staff does not object to the change of ownership request as the subject restaurant has operated successfully at this location for many years with little to no negative impacts on the surrounding neighborhood. Special Use Permit conditions will be carried over from Special Use Permit #2022-00002. However, Condition #22 has been amended to delete compliance with the noise ordinance as this is regulated in the City Code and Condition #26 has been amended to reset the standard one-year Special Use Permit review.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: July 24, 2023

Action: Approved



Tony LaColla, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT # 2023-00055

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 or to any corporation in which the applicant has a controlling interest only. (P&CD) (SUP #1617)
2. The maximum number of indoor seats at the restaurant shall comply with the state building code. (SUP2022-00002)
3. No outside dining facilities shall be located on the premises. (P&CD) (SUP #1617)
4. All patrons must leave the premises one hour after the closing hour. (SUP2022-00002)
5. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP2022-00002)
6. Trash and garbage shall be stored inside or in a dumpster. (P&CD) (SUP #1617)
7. Trash and garbage shall be collected daily when the business is opened. (P&CD) (SUP #1617)
8. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2016-0078)
9. Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. 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 food service as well as the entertainment. (P&Z) (SUP2022-00002)
10. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP #2016-0078)
11. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES) (SUP #2016-0078)
12. The applicant shall direct patrons to the availability of parking at nearby public garages 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 King Street Retail Strategy (Old Town Area Parking Study). (T&ES) (SUP #2016-0078)

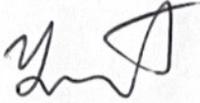
13. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov or more information about available resources. (T&ES) (SUP #2016-0078)
14. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP #2016-0078)
15. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP #2016-0078)
16. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES) (SUP2022-00002)
17. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP #2016-0078)
18. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2016-0078)
19. 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 #2016-0078)
20. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP #2016-0078)
21. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP #2016-0078)
22. **CONDITION AMENDED BY STAFF:** ~~The use must comply with the city's noise ordinance.~~ 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 #2016-0078~~)
23. 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 during the day and at the close of the business,

and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES) (SUP2017-00058)

24. 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)(SUP2017-00058)
25. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z) (SUP2022-00002)
26. **CONDITION AMENDED 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 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) (~~SUP2022-00002~~)
27. On and off premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z) (SUP2022-00002)
28. The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (P&Z) (SUP2022-00002)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00055. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 222 North Lee Street.



Applicant - Signature

08 / 16 / 23

Date

Uyanga Tsogtbatar

Applicant - Printed

08 / 16 / 23

Date