

DATE: May 26, 2015

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0053
Administrative Review for a Change of Ownership
Site Use: Restaurant
Applicant: CP New Corp.
Location: 408 South Van Dorn Street
Zone: CG/Commercial General

Request

Special Use Permit #2105-0053 is a request to change the ownership of a restaurant at 408 South Van Dorn Street from Thai Hut, Inc., by Sermchai Orpol to CP New Corp. The restaurant will serve South American cuisine, specializing in Peruvian chicken. No additional changes to the operation are planned.

Background

A building, designed for restaurant use, was constructed at the site in 1984. The City Council has approved three restaurants at this site since 1988: Akosombo Restaurant in September 1988 (SUP#2113); Pat's Kitchen (SUP#2194) in December 1988; and Thai Hut (SUP#2194A) in September 1991. Thai Hut ceased operations in July 2013.

Code inspections confirmed complaints of excessive trash in 2010 and tall grass and weeds in 2013. In both instances, the conditions were immediately abated.

Community Outreach

Public Notice has been provided through eNews and the City's website. Additionally, notification of the proposed change of ownership has been sent to the Cameron Station Civic Association, High Pointe Cooperative Association, and Lofts Condominiums. Staff has received no public comments regarding the application.

Staff Action

Staff believes that the request for an SUP change of ownership at 408 South Van Dorn Street is reasonable. The proposed restaurant would occupy tenant space that is appropriate for this use and neighborhood impacts are not anticipated. All the existing conditions have been amended to reflect modern-day language and several standard conditions have been added. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: May 26, 2015
Action: Approved



Alex Dambach, Division Chief

- Attachments: 1) Special Use Permit Considerations
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2015-0053

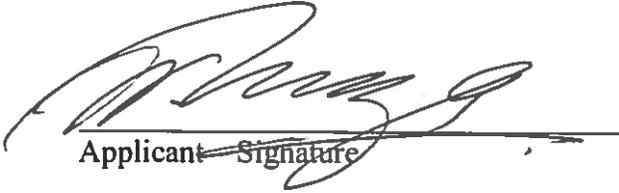
The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. **CONDITION AMENDED BY STAFF:** ~~That seating be provided inside for no more than~~ The maximum number of indoor seats shall be 74 patrons. (P&CD) (SUP#2194) (P&Z)
2. **CONDITION AMENDED BY STAFF:** ~~That no~~ Outside dining facilities shall not be located on the premises (P&CD) (SUP#2194) (P&Z)
3. **CONDITION AMENDED BY STAFF:** ~~That~~ The hours during which the business is open to the public be restricted of operation shall be limited to between 10:00 a.m. and 11:00 p.m., Monday through Saturday, and from 10:00 a.m. to 10:00 p.m. on Sunday, as requested by the applicant. Orders placed before 11:00 p.m., Monday through Saturday and before 10:00 p.m. on Sunday may be served, but no new patrons may be admitted and all patrons must leave by 12 a.m., Monday through Saturday, and by 11:00 p.m. on Sunday. (P&CD) (SUP#2194) (P&Z)
4. **CONDITION AMENDED BY STAFF:** ~~That n~~ No food, beverages, or other material shall be stored outside. (P&CD) (SUP#2194) (P&Z)
5. **CONDITION AMENDED BY STAFF:** ~~That trash and garbage be stored inside or in a dumpster.~~ 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&CD) (SUP#2194) (P&Z)
6. **CONDITION AMENDED BY STAFF:** ~~That~~ Trash and garbage shall be collected daily when the business is open. (P&CD) (SUP#2194) (P&Z)
7. **CONDITION AMENDED BY STAFF:** ~~That~~ Litter on the site and on the 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 more often if necessary to prevent an unsightly and insanitary accumulation on each day that the business is open to the public. (P&CD) (SUP#2194) (P&Z)
8. **CONDITION AMENDED BY STAFF:** ~~That~~ The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&CD) (SUP#2194A) (P&Z)
9. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance of the business. (P&Z)

10. **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 to prevent the underage sale of alcohol. (P&Z)
11. **CONDITION ADDED BY STAFF:** 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. (P&Z)
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. (P&Z)
13. **CONDITION ADDED BY STAFF:** 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. (P&Z)
14. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)
15. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)
16. **CONDITION ADDED BY STAFF:** 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. (P&Z)
17. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z)
18. **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 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)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0053. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the massage establishment at 408 South Dorn Street.


Applicant ~~Signature~~

05-27-15
Date

Willy R. RAMIREZ
Applicant - Printed

05-27-15
Date