

DATE: December 21, 2015

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

FROM: Sam Shelby, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0091  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Proposed Business Name: Majestic Cafe  
Applicant: ARP-Majestic, LLC  
Location: 911 King Street  
Zone: KR/King Street Urban Retail

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### **Request**

Special Use Permit #2014-0091 proposes to change the ownership of a restaurant at 911 King Street from 911 King Street LLC to ARP-Majestic LLC. The applicant requests to continue operation of the restaurant under the same trade name – Majestic Cafe. The application for the change of ownership does not propose any changes to the existing SUP.

### **Background**

Majestic Cafe restaurant opened at this site in 1998 (SUP #1998-0109). The site was previously vacant between 1978 and 1998. From 1949 to 1978, the site was operated as the New Majestic Café. Planning and Zoning staff have conducted a number of SUP inspections dating back to 2002. Violations of conditions #6, #11, and #14 were discovered and resolved at subsequent inspections. Staff also received a complaint in September 2015 about the restaurant's outdoor dining program. A minor violation of the allowable outdoor dining dimensions was discovered and resolved during the inspection.

### **Parking**

Section 8-200(B) of the Zoning Ordinance exempts restaurants in the Central Business District from a parking requirement. However, Condition #4 from SUP #1998-0109 requires the applicant to continue offering subsidized parking for customers.

### **Community Outreach**

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Old Town Civic Association and the Old Town Business and Professional Association have been informed of the change of ownership and minor amendment request. Staff has not received any public comments.

**Staff Action**

Staff considers the change of ownership as a reasonable request and supports the proposal since a restaurant has existed at this site for many years. Staff has added modern standard condition language related to employee parking and the use of public transportation in Condition #15.

Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:**

Date: December 21, 2015

Action: Approved



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Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2015-0091**

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 only or to any business or entity in which the applicant has a controlling interest. (SUP #1998-0109) (P&Z)
2. Seating shall be provided for no more than 97 patrons. (SUP #1998-0109) (P&Z)
3. **CONDITION AMENDED BY STAFF: 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) ~~No outside dining facilities shall be located on the premises. (SUP #1998-0109)~~
4. No live entertainment shall be provided at the restaurant. (SUP #1998-0109) (P&Z)
5. The hours of operation shall be limited from 7:00 a.m. to 1:00 a.m. daily. (SUP #1998-0109) (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (SUP #1998-0109) (P&Z)
7. On site alcohol service is permitted; no off-premise alcohol sales are permitted. (SUP #1998-0109) (P&Z)
8. No food, beverages, or other material shall be stored outside. (SUP #1998-0109) (P&Z)
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 or debris shall be allowed to accumulate on site outside of these containers. (SUP #1998-0109) (P&Z)
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. (SUP #1998-0109) (P&Z)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (SUP #1998-0109) (T&ES).

12. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Health Department. (SUP #1998-0109) (Health)
13. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Crime Prevention Community Relations Unit of the Alexandria Police Department at 703-746-6838 for a security survey for the business and a robbery awareness program for the employees. ~~(Police)~~ (SUP #1998-0109) (P&Z)
14. **CONDITION AMENDED BY STAFF:** The applicant shall post signs directing patrons to the availability of parking at a public parking garage located within a two block radius of 911 King Street at which public parking garage the applicant shall subsidize parking at least to the extent of \$1 off the regular price for patrons having a minimum purchase of at least \$12.50., ~~or participate in the Park Alexandria program if it is extended to this area.~~ (SUP #1998-0109) (Planning Commission)
15. **CONDITION AMENDED BY STAFF:** The applicant shall require their employees who drive to work 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)~~The applicant shall require that employees who drive to work use off-street parking.~~ (SUP #1998-0109) (P&Z)
16. The applicant shall obtain approval of the proposed screening for the dumpster enclosure from the Board of Architectural Review and shall install the approved screening within six months of approval. (SUP #1998-0109) (P&Z)
17. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year from approval, and thereafter as needed, 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, (b) the director 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. ~~(SUP #1998-0109) (City Council)~~ (P&Z)
18. Condition deleted. (SUP #1998-0109) (City Council)
19. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as a part of any employee orientation, to discuss all SUP provisions and requirements and on how to prevent the underage sales of alcohol. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0091. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 911 King Street.



Applicant – Signature

12/22/15

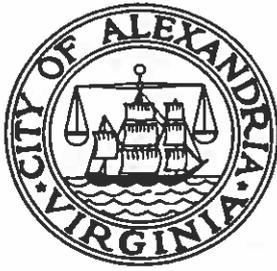
Date

SHARON ROOKE

Applicant – Printed

12/22/15

Date



*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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## **SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the Special Use Permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2015-0091

Approved by Planning and Zoning: December 21, 2015

Permission is hereby granted to: ARP-Majestic, LLC

to use the premises located at: 911 King Street

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

12/21/15

Date

Karl Moritz/AD

Karl Moritz, Director

Department of Planning and Zoning