

DATE: March 17, 2015

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

FROM: Ann Horowitz, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0017  
Administrative Review for Change of Ownership  
Site Use: Restaurant  
Applicant: Whim Pop, Inc. by Maria Romano  
Location: 1309 King Street  
Zone: KR/King Street Retail

---

**Request**

Special Use Permit #2105-0017 is a request to change the ownership of a restaurant at 1309 King Street from Greenleaf Juicing Company to Whim Pop, Inc. The restaurant will operate as Whim Pop and no additional changes to the operation are planned.

**Background**

City Council approved SUP#2014-0085 for a restaurant on November 15, 2014, although the business did not open. Several commercial businesses have operated at the subject site including a real estate office, a flower shop, a women's apparel store, and most recently, a wine retailer. A day spa occupies the tenant space on the second floor of the building and had been an apartment in the past.

**Parking**

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

**Community Outreach**

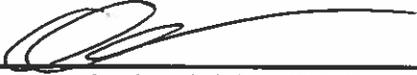
Public Notice has been provided through eNews and the City's website. Additionally, notification of the proposed change of ownership has been sent to the Upper King Street Neighborhood Association. Staff has received no public comments regarding the application.

**Staff Action**

Staff supports the SUP change of ownership request for a restaurant at 1309 King Street. The proposed restaurant is not anticipated to operate in a more intense manner than the recently approved Greenleaf Juicing with a limited menu, counter service, and 15 seats. Standard conditions have been carried forward from the SUP for Greenleaf Juicing Company. Staff hereby approves the Special Use Permit request.

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

Date: March 17, 2015  
Action: Approved



---

Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2015-0017**

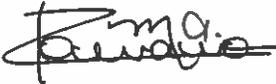
The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP2014-0085)
2. The indoor and outdoor hours of operation shall be limited to between 7 a.m. and 9 p.m., each day. Orders placed before 9 p.m. may be served, but no new patrons may be admitted and all patrons must leave by 10 p.m. (P&Z) (SUP2014-0085)
3. The maximum number of indoor seats shall be 15. (P&Z) (SUP2014-0085)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2014-0085)
5. No delivery of food to customers may operate from the restaurant. (P&Z) (SUP2014-0085)
6. 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) (SUP2014-0085)
7. No food, beverages, or other material shall be stored outside. (P&Z) (SUP2014-0085)
8. 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&Z) (SUP2014-0085)
9. Loading and unloading shall be conducted in the rear of the building and not along King Street. (T&ES) (SUP2014-0085)
10. 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) (SUP2014-0085)
11. 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) (SUP2014-0085)

12. 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) (SUP2014-0085)
13. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2014-0085)
14. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP2014-0085)
15. 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. (T&ES) (SUP2014-0085)
16. 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. (T&ES) (SUP2014-0085)
17. 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. (T&ES) (SUP2014-0085)
18. 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) (SUP2014-0085)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0017. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the massage establishment at 1309 King Street.



Applicant – Signature

03/24/2015

Date

Maria Romano

Applicant – Printed

03/24/2015

Date