

DATE: 06/01/17

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

FROM: Madeleine Sims, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2017-0052
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Amparo Magne
Location: 2400 Mill Road (200 Swamp Fox Road)
Zone: CDD-2 / Coordinated Development District

Request

Special Use Permit #2003-0032 is a request to change ownership of an existing restaurant from Savco, Inc. to Amparo Magne. No changes to the operation are proposed.

Background

The subject property is located within the Hoffman Town Center, within the Eisenhower West Small Area Plan. The restaurant is surrounded by the AMC Hoffman Movie Theatre to the south and east, the parking lots to the north, and across office space along Swamp Fox Road. On April 19, 2017, staff visited the subject property and found one violation of Special Use Permit #2003-00032: Condition #5 to post the hours of operation at the entrance of the site. The violation has since been rectified by the business owner. Staff has not received any complaints that would require staff to docket the special use permit for public hearing.

Parking

Per Section 8-200(8), a restaurant is required to provide one parking space for every four seats. A 304 seat restaurant is required to provide 76 parking spaces. City Council approved SUP #98-0042 in 1998 for the construction of two parking garages for the Hoffman Town Center, the parking requirements for the center included the parking needs of the restaurant (as well as the adjacent movie theatre and restaurant) totaling 3,3761 parking spaces.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

Staff Action

Though the site has a zoning violation of SUP #2003-0032 for failing to post hours of operation at the entrance to the restaurant, staff does not object to this change of ownership request. The continuation of this use is consistent with SUP #98-0042, and accompanying site plan, that

supported a restaurant of this size. Conditions have been updated to reflect current language and Condition #20 through Condition #23 have been added for outdoor dining. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 06/01/17
Action: Approved



Alex Dambach, Land Use Division Chief

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2017-0052

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. (P&Z)(SUP #2003-0032)
2. Seating shall be provided for no more than 304 patrons. (P&Z)(SUP #2003-0032)
3. Live entertainment is permitted. (P&Z)(SUP2003-0032)
4. The hours of operation shall be limited to 11:00 a.m. to 1:30 a.m. Monday through Friday, and 10:00 a.m. to 1:30 a.m. Saturday and Sunday. (P&Z)(SUP #2003-0032)
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP #2003-0032)
6. Alcoholic beverages shall be sold for on-premises consumption only. (P&Z)(SUP #2003-0032)
7. No food, beverages, or other material shall be stored outside. (P&Z)(SUP #2003-0032)
8. **CONDITION AMENDED BY STAFF:** 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 and debris shall be allowed to accumulate on-site outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z)(SUP #2003-0032)
9. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant must obtain at their expense one city standard street litter can for installation on the adjacent public right-of-way.~~ (T&ES)(SUP2003-0032)
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. (P&Z)(SUP #2003-0032)
11. **CONDITION AMENDED BY STAFF:** ~~No equipment including~~ Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or ~~any other waste~~ wash water be washed onto the streets, sidewalks, alleys, or into storm sewers. (T&ES)(SUP2003-0032)

12. The applicant shall control 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 and Environmental Services. (T&ES)(SUP #2003-0032)
13. All loudspeakers or musicians shall be prohibited outside the restaurant. No amplified noise shall be audible at the property line. (T&ES)(P&Z)(SUP #2003-0032)
14. ~~**CONDITION DELETED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees prior to operation. (Police)(SUP2003-0032)~~
15. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)(SUP #2003-0032)
16. The applicant shall provide and maintain planters with evergreen and flowering plants in the area devoted to outdoor seating landscaping to the satisfaction of the City Landscape Architect. (P&Z)(Rec and Parks)(SUP #2003-0032)
17. The applicant shall require their employees who drive to work to use off-street parking. (P&Z)(SUP #2003-0032)
18. The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all SUP provisions and requirements, as part of that training. (P&Z)(SUP #2003-0032)
19. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval 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 has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, 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)(SUP2003-0032)
20. **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. (T&ES)
21. **CONDITION ADDED BY STAFF:** Outdoor dining, including all its components such as planters, wait stations and barriers, shall not encroach onto the public right of way unless authorized by an encroachment ordinance. (P&Z)
22. **CONDITION ADDED BY STAFF:** Outdoor seating areas shall not include advertising signage, including on umbrellas. (P&Z)

23. **CONDITION ADDED BY STAFF: The outdoor dining area shall be cleared and washed at the close of each business day that it is in use. (P&Z)**

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0052. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2400 Mill Road (200 Swamp Fox Road).



Applicant - Signature

6-4-17
Date

Amparo Magne
Applicant - Printed

6-4-17
Date