

DATE: April 23, 2014

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

FROM: Nathan Randall, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0031  
Administrative Review for Change of Ownership  
Site Use: Parking Reduction  
Applicant: S & A Restaurant Lounge and Entertainment  
Location: 654 South Pickett Street  
Zone: I / Industrial

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### **Request**

Special Use Permit #2014-0031 is a request to change ownership of an approved parking reduction (at a restaurant use) from Seleshi Getachew to S & A Restaurant Lounge and Entertainment LLC by Abel Woldu. No changes to the parking reduction are proposed. Although the prior SUP does not directly include the restaurant use itself, the applicant also reports that it plans to continue operating an Ethiopian restaurant under the trade name of Jolley's Restaurant and Lounge.

### **Background**

In February 2010, City Council approved SUP#2009-0079 for a 23-space parking reduction at a restaurant use known as Jolley's Restaurant and Lounge. The restaurant use itself did not require an SUP because, pursuant to Section 4-1202(V.1) of the Zoning Ordinance, it is a permitted use in the Industrial zone given its location in a shopping center. The applicant needed a parking reduction, however, because it could not satisfy the number of parking spaces for the entire number of seats proposed at the restaurant. As part of the SUP approval, the applicant represented that the restaurant would contain two parts: 1) a 40-seat restaurant near the front of the tenant space that would operate seven days each week, and 2) an area toward the rear of the restaurant containing no more than 110 additional seats (for an overall total of 150) used for banquets, parties, and related restaurant functions only on Thursdays, Fridays, Saturdays, and Sundays.

Staff found one violation of the SUP conditions in 2011 regarding the posting of parking signs inside the restaurant which was subsequently corrected. Most recently, it also inspected the site in late March 2014 for compliance with all conditions of existing SUP#2009-0079 and found no violations.

### **Parking**

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant with 150 seats would be required to provide 38 off-street parking spaces. The previous SUP granted a 23-space parking reduction, leaving a balance of 15 spaces. The current applicant will

continue to provide 15 spaces for customers and employees in the surface parking lots in front of and adjacent to the restaurant.

**Community Outreach**

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. In addition, the Cameron Station Civic Association was sent an e-mail with information about the current application. Staff has not received any comments from the public regarding this request.

**Staff Action**

Staff does not object to the change of ownership request. It is a technical request that is necessary in order for the related restaurant use to change ownership. The new restaurant owner will continue to provide 15 parking spaces as understood as part of prior SUP approval four years ago.

The most significant change in condition language is the addition of Condition #8 to stipulate the maximum number of seats allowed at the restaurant on various days of the week. Staff would not ordinarily include such a stipulation for a permitted use, but a direct connection exists in the Zoning Ordinance between the number of restaurant seats and the number of parking spaces required for the use. Furthermore, the prior applicant represented to Planning Commission and City Council in 2010 that the banquet portion of the restaurant would not operate during certain times, particularly early/mid-week, and staff based its recommendation in favor of the parking reduction on this representation. The inclusion of Condition #8 relating to maximum seating therefore merely clarifies and memorializes this representation.

More specifically, the condition will allow no more than 60 seats at the restaurant Monday-Wednesday, which although larger than the 40 seats originally contemplated four years ago, is nonetheless commensurate with zoning requirements given that the applicant has the use of 15 off-street parking spaces. The 150-seat limit Thursdays through Sundays is the same maximum seating understood as part of the prior SUP.

Staff hereby approves the Special Use Permit request.

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

Date:  
Action:

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Alex Dambach, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2014-0031**

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) (SUP#2009-0079)
2. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (P&Z) (SUP#2009-0079)
3. 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 methods. (P&Z) (SUP#2009-0079)
4. 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) (SUP#2009-0079)
5. **CONDITION DELETED BY STAFF:** ~~The applicant shall contribute \$500 to the SUP Streetscape Improvement Fund for street trees and trash cans. Monetary contribution shall be submitted to the Department of Transportation & Environmental Services, Room 4130, 301 King Street prior to the issuance of the Special Use Permit Certificate. The applicant is asked to reference SUP number and condition number on all correspondence. (T&ES, RP&CA)~~
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. (P&Z) (SUP#2009-0079)
7. **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) (SUP#2009-0079)

8. **CONDITION ADDED BY STAFF:** The maximum number of seats that shall be allowed at the restaurant Monday-Wednesday shall be 60. The maximum number of seats that shall be allowed at the restaurant Thursday – Sunday shall be 150. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0031. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the parking reduction at 654 South Pickett Street.

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Applicant - Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant – Printed

\_\_\_\_\_  
Date