

DATE: July 1, 2014

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

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0053
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Hyon (Ann) Kane
Location: 711 King Street
Zone: KR / King Street Retail

Request

Special Use Permit #2014-0053 is a request to change ownership of an existing frozen yogurt shop (restaurant), formerly known as Yogiberry, from Yogiberry Old Town Alexandria LLC to Hyon (Ann) Kane. No changes to the existing SUP conditions are proposed. The applicant expects to continue operating the restaurant with a frozen yogurt concept trading under the name of Yogi Castle.

Background

Prior to hosting a restaurant, a camera shop was located in the subject tenant space. In January 2012, City Council granted SUP#2011-0074 to the prior owner for the operation of a yogurt shop. It opened several months later.

During its one-year review, staff found minor violations of the SUP conditions that were immediately corrected. Staff has not received any other complaints about the business.

Parking

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

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association and King Henry Court Associations were 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 and views it as a reasonable request. It hereby approves the Special Use Permit.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 7/1/2014
Action: Approved

Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2014-0053

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. 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#2011-0074)
2. **CONDITION AMENDED BY STAFF:** The hours of operation of the restaurant shall be limited to between 10 a.m. and 11 p.m. seven days/week. Meals ordered before 11 p.m. may be sold, but no new patrons may be admitted and all patrons must leave by 12 midnight. (P&Z) (SUP#2011-0074)
3. The maximum number of indoor seats at the restaurant shall be 24. Additional outdoor seating may be provided subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program. (P&Z) (SUP#2011-0074)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2011-0074)
5. No live entertainment shall be permitted either inside the restaurant or in any future outdoor dining area. (P&Z) (SUP#2011-0074)
6. No delivery service shall be available from the restaurant. (P&Z) (SUP#2011-0074)
7. No alcohol service shall be permitted at the restaurant. (P&Z) (SUP#2011-0074)
8. The applicant shall submit and maintain an interior design plan to the satisfaction of the Director of Planning & Zoning. The plan shall include relevant information and illustrations regarding the final design of the restaurant including, but not limited to, interior finishes, colors, materials, furniture, and lighting. The Director shall review the plan for its use of attractive, high-quality materials that substantially distinguish the restaurant from other locations of the same business as well as its compliance with the following elements:
 - a. Lighted signage in the windows shall not be permitted.
 - b. Lighting fixtures in the dining area and the serving area shall avoid the use of fluorescent tubes.
 - c. Furniture shall be constructed out of wood, granite, or other high quality and preferably natural materials, with minimal use of plastic.
 - d. Flooring within the dining area shall be ceramic tile or other high quality material.

- e. Any tiling on the vertical surface of the cashier service counter shall be a generally solid color and or design.
 - f. Decorative wood interior trim shall include moldings and other detail such as rosettes.
 - g. Menu boards, if any, shall not be backlighted or have any internal lighting. (P&Z) (SUP#2011-0074)
9. **CONDITION DELETED BY STAFF (See Condition #2):** ~~Meals ordered before the closing hour may be sold, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2011-0074)~~
10. 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#2011-0074)
11. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2011-0074)
12. 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) (SUP#2011-0074)
13. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
14. 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)(T&ES) (SUP#2011-0074)
15. The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (T&ES) (SUP#2011-0074)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2011-0074)
17. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2011-0074)
18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2011-0074)

19. 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) (SUP#2011-0074)
20. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at ~~703-838-4520~~ 703-746-6838 regarding a security survey for the business and robbery readiness training for all employees. (Police) (~~SUP#2011-0074~~)
21. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2011-0074)~~
22. **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#2011-0074~~)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0053. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 711 King Street.

Applicant - Signature

Date

Applicant – Printed

Date