

DATE: March 16, 2023

TO: Tony LaColla, Division Chief, Land Use Services  
Department of Planning and Zoning

FROM: Patrick Silva, Urban Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00009  
Administrative Review for Minor Amendment  
Site Use: Restaurant  
Applicant: King Street Italian, LLC.  
Location: 1024 King Street  
Zone: KR / King Street urban retail

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### **Request**

Special Use Permit #2023-00009 is a request for a Minor Amendment to amend Special Use Permit #2022-00040 to add outdoor dining on private property. The applicant will establish a 15-seat, 579 square foot outdoor dining area on private property in the rear yard area of the subject site. The outdoor dining area will operate between the hours of 7 a.m. to 11 p.m., daily. No other changes to the existing business are proposed.

### **Background**

The buildings located at 1024 King Street consist of two, two-story townhomes which were originally constructed in 1890. In March 1991, City Council approved Special Use Permit #2472 for a restaurant which operated under the name, Egg Roll House. In March 2001, staff administratively approved Special Use Permit #2001-00002 to change ownership of the restaurant from Taekyun and Taesok Kim to Global Connections, LLC. In November 2001, City Council approved Special Use Permit #2001-00096 to expand the existing restaurant to the second floor, serve alcoholic beverages, and to change the hours of operation. In September 2007, staff administratively approved Special Use Permit #2007-00093 to change ownership of the restaurant from Global Connections, LLC to Hank's Oyster Bar Old Town, LLC and to change the hours of operation. In November 2007, City Council approved Special Use Permit #2007-00103 to further change the hours of operation, increase the number of seats from 40 to 60, and to add on-premises liquor sales. In June 2012, City Council approved Special Use Permit #2012-00027 to increase the number of seats from 60 to 89. Most recently, in July 2022, staff administratively approved Special Use Permit #2022-00040 for a change of ownership from Hank's Oyster Bar Old Town, LLC to King Street Italian, LLC, who began to operate the restaurant under the name Thompson Italian.

### **Parking**

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

**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 was sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses regarding the request.

**Staff Action**

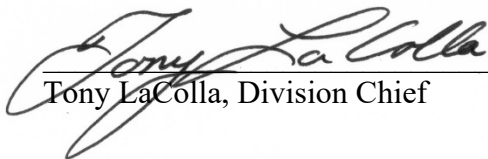
Staff does not object to the Minor Amendment request for outdoor dining seats on private property as a restaurant has operated successfully at this location for many years with no proven impacts on the surrounding neighborhood. In addition, the existing restaurant has operated without issues, complaints, or violations since the time it has opened and begun operating.

Special Use Permit conditions have been carried over from Special Use Permit #2022-00040. However, Conditions #39, #40, #41, and #42 have been added to address the addition of outdoor dining on private property to the restaurant’s operations. Although the applicant has requested 15 outdoor dining seats, staff has limited the number of seats to 40 in Condition #40, the maximum eligible through administrative SUP approval, to allow the applicant flexibility.

Staff hereby approves the Special Use Permit request.

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

Date: March 16, 2023  
Action: Approved

  
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Tony LaColla, Division Chief

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

**CONDITIONS OF SPECIAL USE PERMIT #2023-00001**

The 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 #2472)
2. The maximum number of indoor seats shall comply with the state building code. (P&Z) (SUP2022-00040)
3. Condition deleted.
4. Condition deleted. (PC)
5. Condition deleted.
6. No food, beverage, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z) (SUP2022-00040)
7. Condition deleted. (PC)
8. Trash and garbage shall be collected daily when the business is open. (P&Z) (SUP #2472)
9. Condition deleted. (PC)
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 and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES) (SUP2022-00040)
11. Indoor limited, live entertainment may be offered and must comply with the City's noise ordinance. No cover or admission fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (SUP2022-00040)
12. On and off-premises alcohol sales are permitted in compliance with Virginia ABC requirements. (P&Z) (SUP2022-00040)
13. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2022-00040)
14. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)(P&Z) (SUP2022-00040)

15. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. No amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP#2007-00103)
16. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (P&Z) (SUP2022-00040)
17. Condition deleted.
18. Trash and garbage shall be placed inside or in sealed containers which do not allow odors to escape, invasion by animals, or leaking. 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 Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (SUP2022-00040)
19. 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#2007-00103)
20. Condition deleted.
21. Condition deleted.
22. Condition deleted.
23. All patrons must leave the premises one hour after the closing hour. (P&Z) (SUP2022-00040)
24. Condition deleted.
25. Condition deleted.
26. 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. (P&Z) (SUP#2007-0103)
27. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after the expansion 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

risers to the level of a violation of the permit conditions, (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) (~~SUP2022-00040~~)

28. Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z) (SUP2022-00040)
29. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2012-00027)
30. All waste products including but not limited to organic compounds (solvents) shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES) (SUP2012-00027)
31. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z) (SUP2022-00040)
32. Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z) (SUP2022-00040)
33. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (P&Z) (SUP2022-00040)
34. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (P&Z) (SUP2022-00040)
35. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (P&Z) (SUP2022-00040)
36. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (P&Z) (SUP2022-00040)
37. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (P&Z)

(SUP2022-00040)

38. The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (P&Z) (SUP2022-00040)
39. **CONDITON ADDED BY STAFF:** The hours of operation for outdoor dining shall be limited to between 7:00 a.m. and 11:00 p.m. daily. The outdoor dining area shall be closed and cleared of all customers by 11:00 p.m. The outdoor seating area shall not include signage on umbrellas. (P&Z)
40. **CONDITON ADDED BY STAFF:** The number of outdoor seats shall be no more than 40 and shall not encroach into the public right-of-way. (P&Z)
41. **CONDITON ADDED BY STAFF:** The outdoor dining areas shall be cleaned and washed at the close of each business day that they are in use. (P&Z)
42. **CONDITON ADDED BY STAFF:** The design of the outdoor dining areas and all its components shall be consistent with the standards of the City Outdoor Dining Design Guidelines. (P&Z)

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Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

R-1 Existing conditions shall remain in place.

Code Enforcement:

C-1 The existing OCC is for 102, increase 15 for OCC is less than 20%. This amount is acceptable without the need for additional plumbing fixtures.

Parks and Recreation:

No comments or concerns.

Police Department:

No comments received

Health Department:

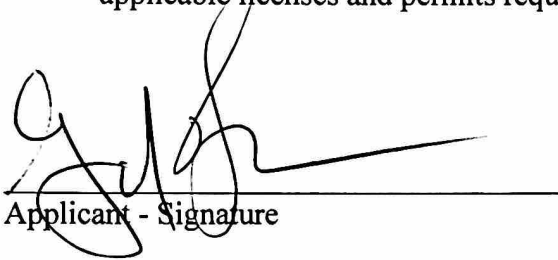
F-1 No health department approval is required.

Fire Department:

C-1 No objection to increased occupant load for area calculated. If applicant does not currently have a fire prevention permit and the new total occupant load for the restaurant exceeds 49 including staff, then applicant shall apply for a fire prevention permit for assembly over 49.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00009. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1024 King Street.

  
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Applicant - Signature

3/30  
Date

Gabe Thompson  
\_\_\_\_\_  
Applicant - Printed

3/30  
Date