

Governing Body Public Meeting Agenda Item  
March 16, 2010

AGENDA ITEM

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**Subject:** CUP#10-03, El Espino Restaurant

**Issue:** Applicant applied for a CUP to have two billiard tables and a karaoke machine within the existing restaurant.

**Background:**  
**Discussion:**

**Recommendation:** Planning Commission heard this application in public hearing and is recommending approval to the GB

Prepared by: Vanessa A. Watson

Date 3/9/10

Reviewed by: \_\_\_\_\_

Date \_\_\_\_\_

Approved by City Attorney: [Signature]

Date 3/10/10

Approved by City Manager: [Signature]

Date 03/10/10

**AMIGOS INN, INC  
EL ESPINO RESTAURANT  
8444-46 CENTREVILLE ROAD  
MANASSAS PARK, VA. 20111**

March 9, 2010

CITY OF MANASSAS PARK  
ONE PARK CENTER COURT  
MANASSAS PARK, VA 20111

**RE: El Espino Restaurant  
Conditional use permit-CUP # 10-03**

Dear Governing Body:

We are requesting a conditional use permit to allow a Karaoke machine and billiard tables within the existing restaurant. We will follow all the rules and regulations mentioned in the conditional use permit and the security plan.

We will only have two (2) billiard tables, and the karaoke beginning at 10:00 p.m.; without dancing. All managers and employees will be trained in proper alcohol service techniques in order to prevent the sale of alcohol to intoxicated individuals, or minors. All gang activity, drug activity, and disorderly conduct will be address immediately by a manager who will remove the individual(s) from the premises and/or contact MPPD.

If you have any questions or need additional information please do not hesitate to contact us at 703-365-2212.

Sincerely,

Amigos Inn, Inc.  
El Espino Restaurant

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# STAFF REPORT

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March 10, 2010

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Conditional Use Permit, CUP #10-03  
El Espino Restaurant

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Planning Commission Public Hearing

March 1, 2010

Governing Body Public Hearing

March 16, 2010

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## OVERVIEW OF REQUEST

**Request** - This proposal is requesting a conditional use permit to allow “live entertainment” and two billiard tables within the existing restaurant. The live entertainment element will only consist of a karaoke machine without dancing. The owners of the shopping center are regulating the billiard tables to two, with the karaoke not being allowed to commence until 10:00 p.m.

**Site Location** - The tenant space is located at 8444 Centreville Road in the Manassas Park Shopping Center, which is between Old Centreville Road and Manassas Drive.

**Comprehensive Plan** - The site is designated as Commercial in the Comprehensive Plan.

**Zoning/Acreage** - The subject site area is located in the B-2, General Business zoning district and the tenant space consists of approximately 2,937 square feet.

**Surrounding Land Use & Zoning** - The site is bordered by the R-1, Single Family residential zoning district to the west, Old Centreville Road and Prince William County to the north, Manassas Drive and the B-2, General Business zoning district to the south, and Centreville Road (Rt. 28) to the east.

## STAFF ANALYSIS

**Conditional Use Permit, CUP#10-03** - The purpose of a CUP is to allow the city to consider special uses that may be essential or desirable to a particular community, but which are not allowed as a matter of right within a zoning district because of the increased impact of such uses. Approval of a CUP requires public hearings before both the Planning Commission and the Governing Body. Live Entertainment and/or billiard tables (parlor or hall) are allowed in the B-2 zoning district with an approved CUP. Please refer to Attachment A for the conditions dated March 1, 2010; to Attachment B for the CUP floor plan exhibit dated January 15, 2010; and to Attachment C for the proposed security plan dated January 15, 2010.

**Land Use** - The CUP application is consistent with the Commercial designation in the Comprehensive Plan.

**Community Design** - This application will not have any design impact to the existing building.

**Environment** - This application will not have an impact to environmental elements in the City.

**Public Safety** - The owner/applicant has agreed to make a monetary contribution of \$0.61 per square foot of entertainment area (+/- 480 sq. ft.) to the Governing Body for Public Safety services payable with zoning approval of the CUP (Condition 3 (f)).

**Transportation** - Ingress/egress is available from two access points from Old Centreville Road and Manassas Drive into the shopping center. Condition 3 (d) states that the applicant shall ensure that any vehicles associated with the business do not obstruct travel ways, fire lanes, landscaped areas, or parking spaces.

Parking regulations require one parking space per two hundred (200) square feet of floor area. The overall shopping center currently has 19 tenant spaces, with approximately 300 parking spaces (including handi-cap). Given the different uses, their hours of operation, and history with the shopping center, there appears to be a sufficient amount of parking available.

## **STAFF RECOMMENDATION**

Staff finds the applicant's proposals consistent with the intent of the Land Use Section of the 2006 Comprehensive Plan and compatible with existing, adjacent land use and patterns of development.

Staff recommends that the Planning Commission approve Conditional Use Permit, CUP #10-03, El Espino Restaurant, subject to the conditions dated March 1, 2010 and the CUP floor plan exhibit dated January 15, 2010.

### Attachments:

- A. Conditions dated March 1, 2010
- B. CUP floor plan exhibit dated January 15, 2010
- C. Proposed security plan dated January 15, 2010

### Agencies that reviewed this application:

Department of Public Works  
Department of Fire and Rescue  
Department of Planning & Zoning  
Police Department  
City Engineer  
City Attorney  
Prince William County Planning Office

**El Espino Restaurant**  
**Manassas Park Shopping Center**  
Conditional Use Permit  
CUP #10-03  
Applicant: Amigos Inn, Inc.  
Property Owner: Jerax Enterprises  
Development Conditions  
March 1, 2010

The following development conditions are intended to offset and mitigate potential impacts of the proposed billiard tables and live entertainment area on the subject property located at 8444 Centreville Road in the Manassas Park Shopping Center (the "Premises"). These development conditions are designed to render conditional use permit application CUP #10-03 consistent with the applicable chapters of the City's adopted Comprehensive Plan. Unless otherwise stated herein, if the conditions of this conditional use permit (this "CUP") or the conditional use permit plan entitled "El Espino Restaurant" and dated January 15, 2010 (the "CUP Plan") are in conflict with the requirements of the City Code, the approved proffers (if any), or the Public Facilities Manual, the more restrictive requirements shall apply.

The applicant shall file a final site plan for the Premises within one (1) year of approval of this CUP by the Governing Body and shall have one (1) year from the date of final site plan approval to commence the proposed use. Issuance of an occupancy permit constitutes commencement of the proposed use.

1. Site Development

- a. The applicant shall develop the Premises in substantial conformance with the CUP Plan, which is attached hereto and incorporated herein by reference. This CUP is not transferable to an entity or person other than the applicant without the express written approval of the Governing Body.
- b. The Premises shall be developed in accordance with all federal, state and local environmental requirements.
- c. All permits and minimum requirements for site plan approval shall be met.

2. Use Parameters

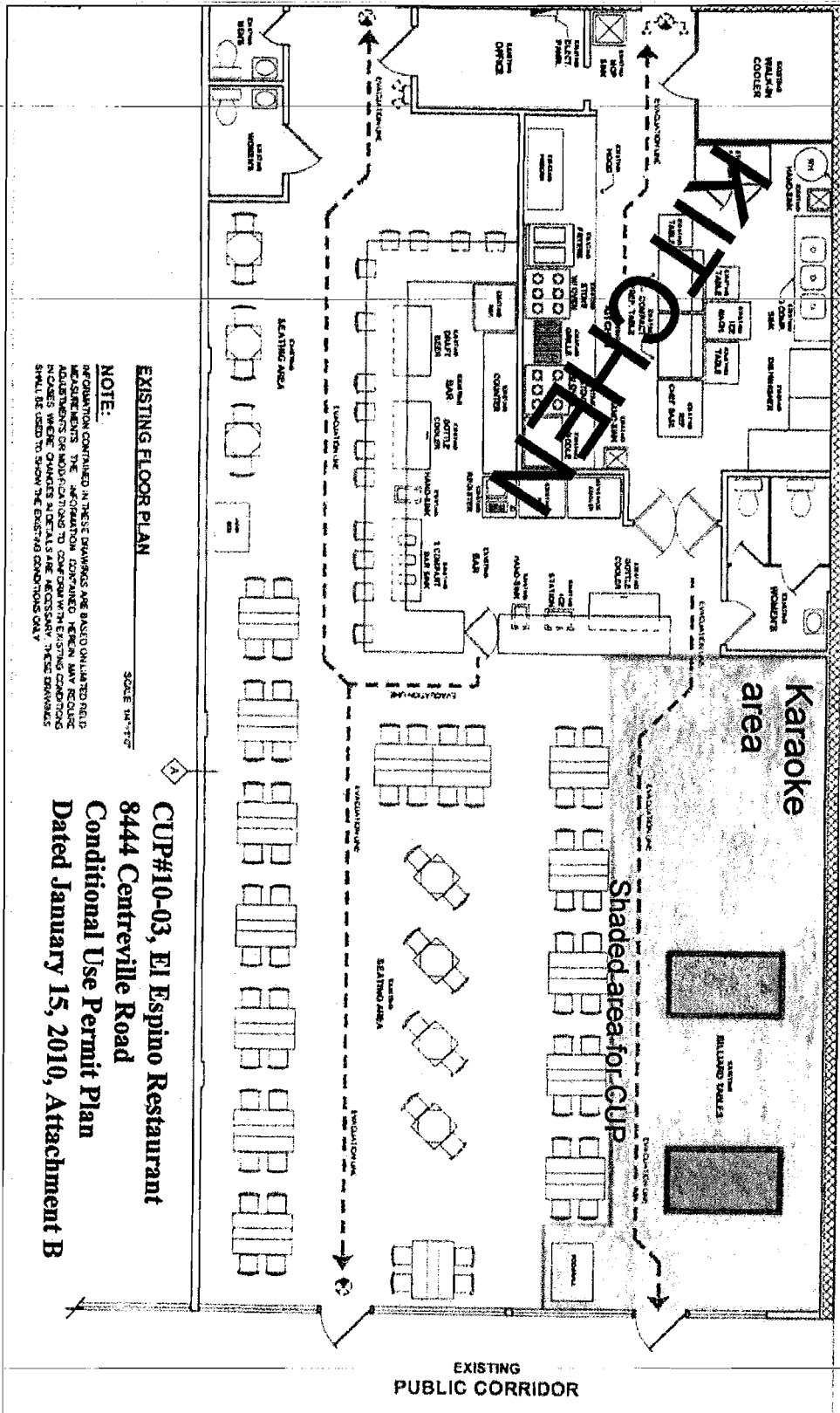
- a. Use Limitations - The use of the Premises shall be limited to a restaurant (the "Restaurant"), with two billiard tables (the "Billiard Tables") and a karaoke machine (the "Karaoke Machine"). The Billiard Tables and Karaoke Machine will encompass no more than 480 square feet in area.
- b. Hours of Operation - Hours of operation shall be limited to the hours between 11:00 a.m. and 2:00 a.m. for the Restaurant, to the hours between 11:00 a.m. and 1:30 a.m. for the Billiard Tables, and to the hours of 10:00 p.m. to 1:30 a.m. for the Karaoke Machine, seven (7) days a week.

- a. Minors - Minors under the age of 18 must vacate the Premises no later than 9:00 p.m. each night. Minors dining in the Restaurant prior to 9:00 p.m. may remain within the Premises until after 9:00 p.m. if accompanied by a parent or legal guardian but must vacate the Premises promptly following completion of dining. Notwithstanding the foregoing, no minors shall be allowed to remain within the Premises after 10:00 p.m.
  - c. Alcohol Sales - The sale and consumption of beer, wine and/or mixed alcoholic beverages on the Premises shall be permitted only in accordance with all applicable regulations of the Virginia Alcohol Beverage Control Board ("ABC"). The applicant must present to the City's zoning administrator a copy of the license granted by ABC.
  - d. Food Sales - The applicant must present to the City's zoning administrator a copy of the permit issued by the Prince William County office of the Virginia Department of Health.
  - e. Noise/Outdoor Speaker System - No outdoor speaker system shall be permitted. Noise, including noise associated with the Karaoke Machine, shall not exceed the limits set forth in the Manassas Park noise ordinance (City Code Chapter 15).
  - f. Cessation of Use - If the use of the Premises with the Karaoke Machine and/or the Billiard Tables should cease for a period of more than one (1) year, this CUP will become void as to those uses. Thereafter, a new conditional use permit shall be required for any additional use with "live entertainment" or billiard tables, as applicable.
3. Community Design
- a. Architecture - No change to the existing architecture of the building is proposed with this CUP.
  - b. Signs - All signage shall comply with the standards set forth in the Manassas Park zoning ordinance (City Code Chapter 31) (the "Zoning Ordinance") and Public Facilities Manual (the "PFM"). In addition, the following shall apply to signage and advertising on the site:
    - i. Banners, pennants, streamers, balloons, figures and other attention-getting devices not permitted by the Zoning Ordinance are strictly prohibited.
    - ii. Parking and signage for handicapped customers shall be provided in accordance with the PFM and other current federal, state and local standards.

- c. Exterior Lighting - There shall be no neon and/or free-standing spot lighting fixtures.
  - d. Maintenance of Premises
    - i. The applicant shall maintain the Premises and shall pick up trash, litter and debris in and around the Premises on a daily basis.
    - ii. The applicant shall effect the removal of any graffiti from the Premises no later than five (5) days following notification by a City employee to remove said graffiti. If the applicant does not have all graffiti removed from the Premises within such 5-day period, the City shall be authorized to remove the graffiti and to receive prompt reimbursement from the applicant for the cost of such removal. For purposes of this CUP, "graffiti" means writings, drawings, inscriptions, etchings, figures or marks of paint, ink, chisel, chalk, dye, acid or other similar substances, or flyers, bills and similar materials, which have been placed on public or private property without the permission of the owner, manager or occupant of the property or otherwise deemed by the City to be a public nuisance. Among other measures to be taken, the applicant shall prevent scaling of walls by keeping dumpsters away from walls, and covering or enclosing drainpipes.
  - e. Transportation - Under no circumstances shall any vehicles associated with the use be parked in drive aisles, travelways or alleys, on the sidewalks or within landscaping.
  - f. Public Safety - Prior to, and as a condition of zoning approval for the occupancy permit from the Department of Public Works, the applicant shall contribute \$0.61 per square foot of the entertainment area (480 sq. ft.) for mitigation of impacts on public safety services.
4. Security Plan - The uses permitted by this CUP shall not commence until a security plan, detailing operating procedures and policies, has been submitted to the City Manager. The security plan provided to the City Manager must first be approved by the Manassas Park Police Department ("MPPD") and must be specifically tailored to address the following, each of which shall be subject to enforcement action by members of the Manassas Park Police Department and/or regional drug task forces without interference from the applicant or the owner(s) or employees of the business:
- a. Use of the rear door by customers or patrons to enter or exit the Premises shall be strictly prohibited. The rear door is to remain closed and secured during hours of operation, with its use limited to employees and the owner(s) for required business-related matters only. The security plan shall detail how access to and use of this door will be restricted.



- b. Prevention of underage drinking, including but not limited to the use of wristbands or other means of ready identification for those aged 21 and older.
  - c. Prevention of the illegal use and/or sales of drugs.
  - d. Prevention of excessive drinking/intoxication.
  - e. Prevention of gang activity.
  - f. Prevention of fighting and disorderly conduct.
  - g. Barring of those who are found to have violated any of the activities listed in this condition for an extended period of at least one (1) year.
5. Annual Administrative Review - The applicant shall submit to the City's zoning administrator a request for an administrative review of this CUP each year for five (5) years following approval. A report detailing events of the preceding year, including information from MPPD and Property Code Enforcement, will be presented to the Governing Body at its next regularly-scheduled meeting. The applicant's failure to request an annual administrative review as required by this condition shall constitute a per se violation of this CUP, in which case the zoning administrator shall act as the hearing officer and so notify the Governing Body of the violation in accordance with Condition 6 below.
6. Compliance - Upon receipt by the City Manager or his designee of an allegation that any of the conditions set forth herein have been violated, a hearing officer will be appointed by the Governing Body to review the evidence of such alleged violation. Following such review, if the hearing officer determines that a preponderance of the evidence indicates that a violation did occur, the hearing officer shall so indicate in writing to the Governing Body, which may then hold a public hearing to consider the revocation of this CUP, which public hearing will be advertised in accordance with the provisions of Chapter 22 of Title 15.2 of the Code of Virginia.



**NOTE:**  
 INFORMATION CONTAINED IN THESE DRAWINGS ARE BASED ON UNLIMITED FIELD MEASUREMENTS. THE INFORMATION CONTAINED HEREIN MAY REQUIRE MODIFICATIONS OR RECONFIGURATIONS TO CONFORM WITH EXISTING CONDITIONS. DRAWINGS IN DETAILS ARE NECESSARY. THESE DRAWINGS SHALL BE USED TO SHOW THE EXISTING CONDITIONS ONLY.

**EXISTING FLOOR PLAN**

SCALE: 1/4" = 1'-0"

CUP#10-03, El Espino Restaurant  
 8444 Centreville Road  
 Conditional Use Permit Plan  
 Dated January 15, 2010, Attachment B

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SECURITY PLAN  
CUP#10-03  
EL ESPINO RESTAURANT  
8444 CENTREVILLE ROAD  
MANASSAS PARK, VA. 20111  
January 15, 2010

The following security measures are intended to maintain security at the El Espino Restaurant pursuant to the conditions for Conditional Use Permit (CUP) #10-03. The owner commits to working with the Manassas Park Police Department (“MPPD”) in any way possible to deter any criminal activity or behaviors while in the establishment.

1. Rear Door Use – The rear door will be alarmed to alert staff to any entry or exit. A sign will also be posted stating: “NO EXIT THROUGH REAR DOOR EXCEPT IN CASE OF EMERGENCY”. The door will be locked to prevent entry from outside. A standard push-bar will permit emergency egress.
2. Prevention of underage drinking – All managers and persons serving alcohol will be trained in proper alcohol service techniques in order to prevent the sale of alcohol to minors. All new hires will be informed that a sale-to-minor violation is cause for immediate discharge.
3. Prevention of illegal use/sale of drugs – All managers and staff will pay close attention to any suspect behavior. Staff will alert management of any behavior deemed unusual. Management will determine best course of action, which will include contacting MPPD.
4. Prevention of excessive drinking/intoxication – All managers and persons serving alcohol will be trained in proper alcohol service techniques in order to prevent the sale of alcohol to intoxicated individuals. Careful attention to patron behavior will prevent most problems associated with drinking.
5. Prevention of gang activity – Any activity which would suggest gang activity shall be immediately addressed by the owner or manager of the restaurant, and will include removing the individuals from the premises and/or contacting MPPD.
6. Prevention of fighting and disorderly conduct – Any activity which would suggest a potential fight, disorderly conduct, or lewd and lascivious behavior shall be immediately addressed by the owner or manager of the restaurant, and will include removing the individuals from the premises and/or contacting MPPD.
7. Barring of individuals that have violated the terms of this security plan – Patrons perceived as causing disciplinary problems will be barred from entry according to procedures available through MPPD for such time as MPPD determines to be appropriate. The establishment will also work co-operatively with MPPD to identify patrons whose presence at the establishment is likely to be disruptive, and take legally available actions to bar such individuals.

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