DATE: June 27, 2005


Applicant: Amit Services, Inc.

By: Dharmesh Mehta
Amit’s Pizza and Subs
4022 Annandale Road
Annandale, Virginia 22003

C.M. RECOMMENDATION:
Renew, subject to all previous conditions, amended Condition #3, and with a review by the County Board in one (1) year (July 2006).

ISSUES: None.

SUMMARY: This is a use permit for live entertainment in an existing restaurant. The applicant provides a pizza and sub restaurant on the main level and uses the basement level for private parties. The applicant has permitted one (1) private party, a graduation party, since becoming operational. Staff recommends that the use permit be renewed subject to all previous conditions and amended Condition #3, which reflects the change in the restaurant’s name, with a one (1) year review by the County Board.

BACKGROUND: This use permit for live entertainment in an existing restaurant was approved by the County Board in July 2004. The approval allowed the applicant to provide live entertainment on the lower level of the building for private parties in the evening between 5 p.m. and 6 p.m. The live entertainment is in the form of a DJ, individual musicians and small bands.

DISCUSSION: The use was administratively reviewed in January 2005, at which time it had not become operational. The subject use permit for live entertainment in the basement level of the restaurant became operational approximately two (2) months ago. The use is in compliance...
with the conditions of use permit approval. Since becoming operational the applicant changed the name of the restaurant from Noble Roman’s Pizza and Subs to Amit’s Pizza and Subs.

Since County Board Approval (July 10, 2004):

Use Permit Conditions: The applicant is in compliance with the conditions of the use permit.

Community Code Enforcement: Staff reports that there are no issues with this use permit and there have been no complaints regarding this use during the review period.

Fire Marshal’s Office: Staff reports that this is a new use and that it is in compliance with the County’s fire codes.

VA ABC Board: County staff observed the posted application for the ABC license. The applicant is awaiting approval from the ABC Board, thus alcoholic beverages are currently not being served in this establishment.

Civic Associations: The Douglas Park Civic Association and the Barcroft School & Civic were notified of this review. Staff spoke with the past President of Douglas Park Civic Association regarding neighborhood input into the staff report (see attached e-mails). She agreed to pass the request for input on to the current president. Staff is awaiting the neighborhood response.

Columbia Pike Revitalization Organization (CPRO): Staff received a call from the Executive Director of CPRO who stated that the organization has no issues with this use and there is no objection to renewal of the use permit.

CONCLUSION: Staff supports renewal of this use permit. The use became operational approximately two months ago and has complied with County regulations. To date staff is not aware of issues or concerns regarding this use. Therefore, it is recommended that this use permit be renewed subject to all previous conditions, amended Condition #3, and with a review by the County Board in one (1) year (July 2006).

3. The applicant agrees that, if not terminated earlier for some other reason, this permit shall run with the business under the current ownership, and shall terminate automatically upon either the sale of a majority interest in the business by the current owners or at such time as the business ceases to operate as the Noble Roman’s Pizza and Sub Restaurant Amit’s Pizza and Subs, whichever occurs sooner.
PREVIOUS COUNTY BOARD ACTIONS:

November 22, 1993  Approved use permit (U-2787-93-1) for live entertainment including a disk jockey and jazz bands in a restaurant establishment, Sundays through Thursdays, 9:30 p.m. to 2:00 a.m. with conditions and a review in six (6) months.

May 7, 1994  Continued use permit (U-2787-93-1) for live entertainment with a review in six (6) months.

November 19, 1994  Continued use permit (U-2787-93-1) for live entertainment with a review in one (1) year.

November 21, 1995  Discontinued use permit (U-2787-93-1) for live entertainment.

July 20, 1996  Approved use permit (U-2887-96-2) as required by Section 26.b.14, for live entertainment and dancing in a restaurant, up to 4 times per month, 7:00 p.m. through midnight on Sunday through Wednesday, and 7:00 p.m. through 2:00 a.m. Thursday through Saturday, subject to conditions and review in one (1) year (July 1997).

October 5, 1996  Approved use permit amendment (U-2887-96-2) to allow live entertainment up to seven days a week, Sundays through Wednesdays, 7:00 p.m. to 12:00 midnight, and Thursdays through Saturdays and the nights before holidays from 7:00 p.m. to 2:00 a.m. and with a review in one (1) year (October 1997).

October 4, 1997  Approved use permit (U-2887-96-2) to allow live entertainment and dancing in a restaurant with a review in three (3) years (October 2000).

October 7, 2000  Renewed use permit (U-2887-96-2) for live entertainment and dancing in a restaurant with a review in six (6) months (April 2001).

April 10, 2001  Continued use permit (U-2887-96-2) for live entertainment and dancing in a restaurant with an administrative review in one (1) year (April 2002)
and a review by the County Board in three (3) years (April 2004)

July 20, 2002  Continue use permit (U-2887-96-2) for live entertainment and dancing in a restaurant with a County Board review in six (6) months (January 2003).

January 11, 2003  Continued use permit (U-2887-96-2) for live entertainment and dancing in a restaurant with an administrative review in three (3) months (March 2003) and a County Board review in six (6) months (July 2003).

July 19, 2003  Use Permit (U-2887-96-2) for live entertainment and dancing was not renewed.

July 10, 2004  Approved use permit (U-3087-04-3) for live entertainment subject to conditions with an administrative review in six (6) months (January 2005) and a review by the County Board in one (1) year (July 2005).
Approved Conditions:

1. The applicant agrees to limit live entertainment to between the hours of 5:00 p.m. and 11:00 p.m., Sunday through Saturday.

2. The applicant agrees that the live entertainment shall be limited to DJ, radio, CD player, acoustic music or primarily acoustic music, individual musicians or small bands of their choosing.

3. The applicant agrees that, if not terminated earlier for some other reason, this permit shall run with the business under the current ownership, and shall terminate automatically upon either the sale of a majority interest in the business by the current owners or at such time as the business ceases to operate as the Noble Roman’s Pizza and Sub Restaurant, whichever occurs sooner.

4. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.

5. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.

6. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be provided in writing to the Zoning Administrator, the nearby civic associations of Douglas Park, and Barcroft School & Civic League and the Columbia Pike Revitalization Organization (CPRO) prior to the issuance of a certificate of occupancy.