

# Hops N Shine

3410 Mount Vernon Avenue | SUP 2024-00026

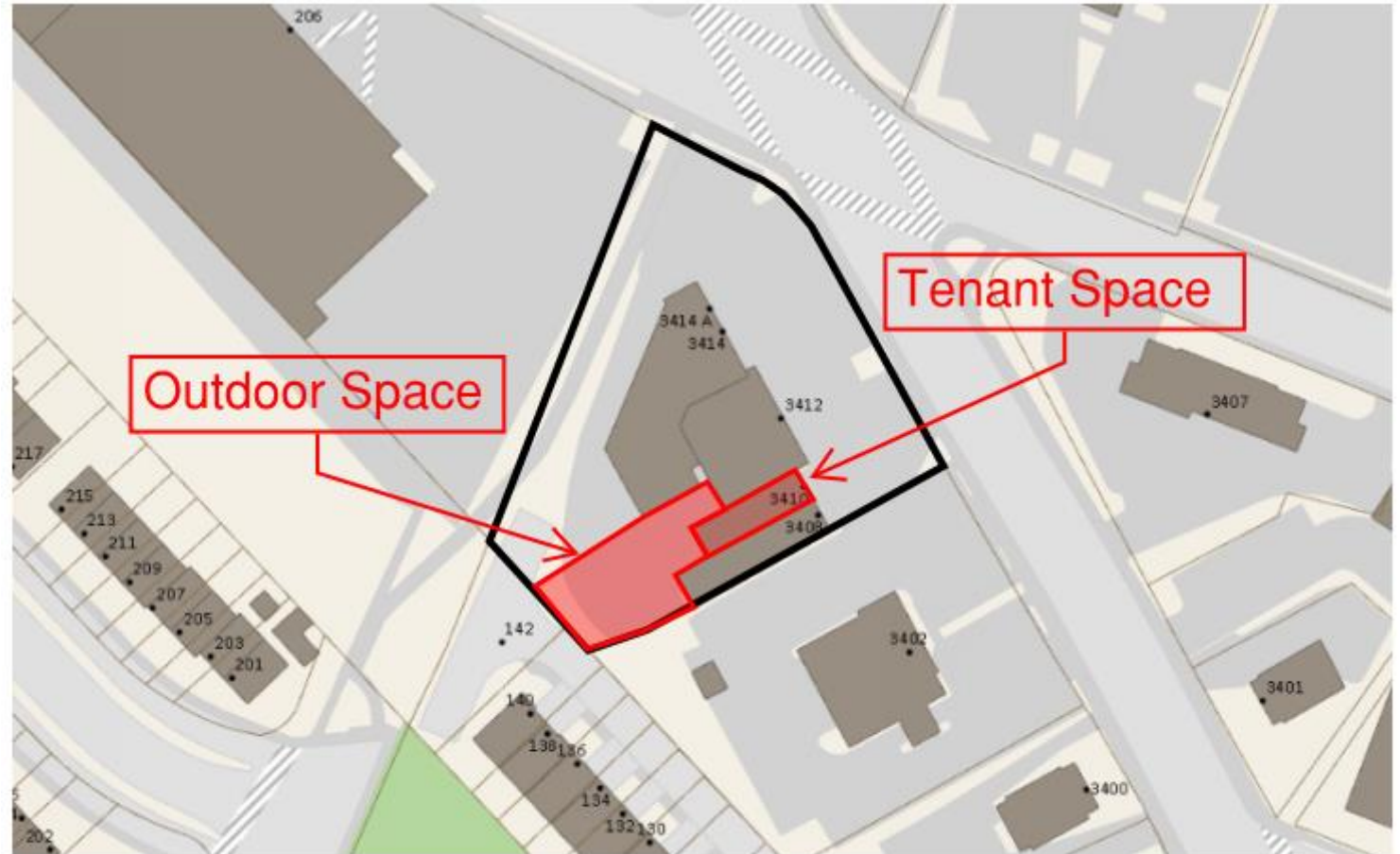
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City Council  
June 15, 2024



# Site Context

- Situated on the corner of Mount Vernon Avenue and West Glebe Road
- Restaurant is one of four tenants in a Commercial Center (Laundromat, Hops N' Shine, 7-Eleven, Grocery)
- Surface parking is provided onsite
- Zoned CG/Commercial General



*location of restaurant and outdoor dining area*

# 1. **REVIEW:** Special Use Permit #2023-00025



Outdoor dining and hours of operation

11 a.m. -9 p.m., Su-Th

11 a.m. – 11 p.m., F & Sa

Indoor live entertainment

4 p.m. to 12 a.m.

Outdoor amplified background music

11 a.m. to 11 p.m., Fri and Sa

11 a.m. to 9 p.m., Sun-Th

Outdoor live entertainment

With T&ES Noise Permit

No outdoor cooking or games



## 2. **REQUESTS:** Amending SUP condition

Outdoor dining hours of operation

11 a.m. - 11 p.m., Su-Th

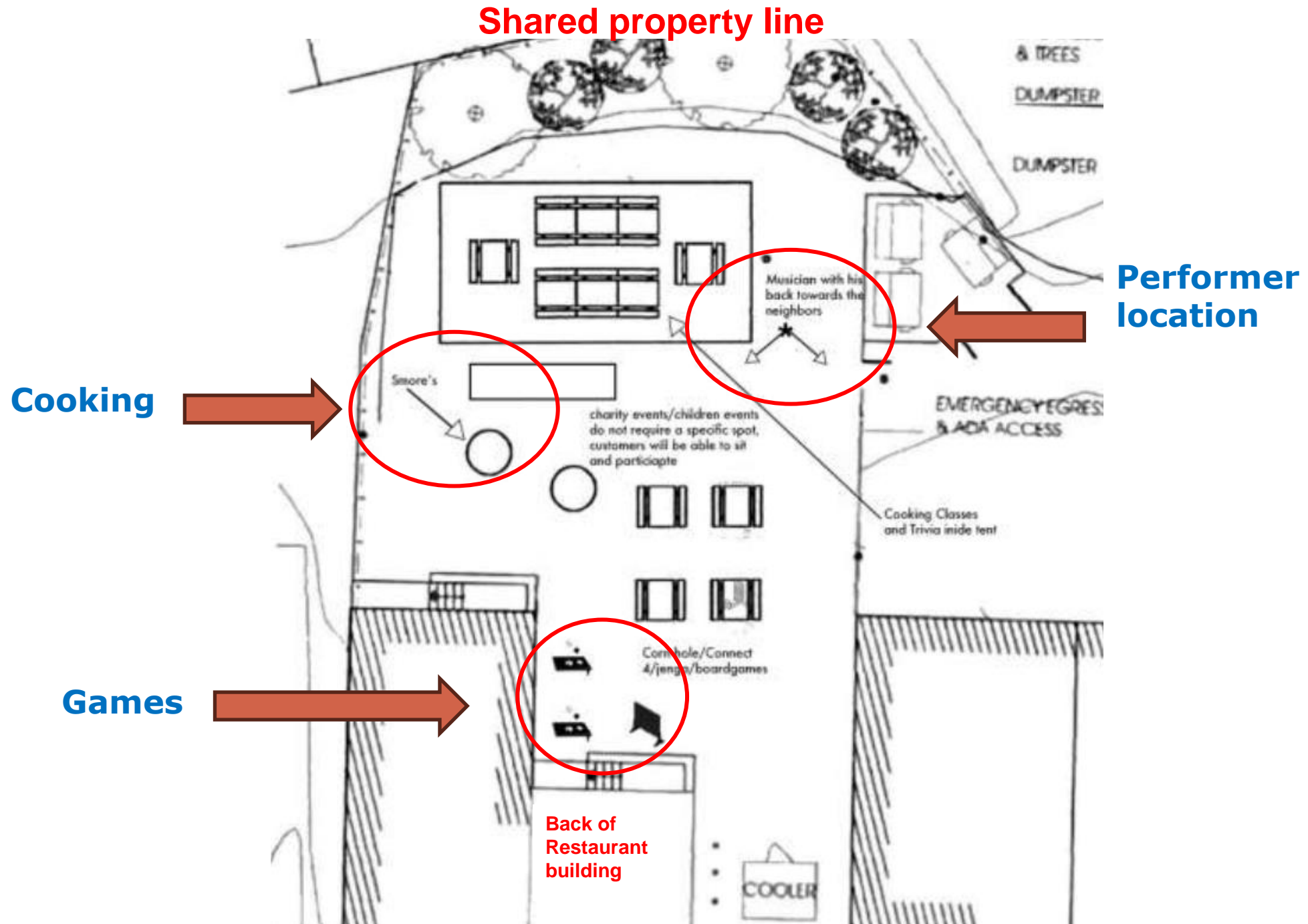
11 a.m. - 12 a.m., F & Sa

Outdoor cooking

Outdoor live entertainment without T&ES noise permit

Outdoor games as an accessory use

Opening of the garage door for indoor live entertainment



# Resident Feedback



## Del Ray Civic Association

### Support:

Open garage door at front of business

Outdoor cooking during daylight hours without amplification

Possible live entertainment for a limited number of special events without amplification and noise mitigation

### Do not support:

Extended outdoor dining hours

Outdoor games

Regular occurring outdoor amplified live entertainment without a mitigation plan

## Mount Vernon Community Court Association

### Support:

Open garage door at front of business

Possible outdoor live entertainment for events with a T&ES noise permit

Outdoor background music held to lower decibel level than the noise ordinance limit of 65

### Do not support:

Extended outdoor dining hours

Outdoor games

Regular occurring outdoor live entertainment

Outdoor cooking



# Planning Commission Recommends Approval with Condition Amendments

**Condition #10:** Retain existing outdoor dining hours

11 a.m. -9 p.m., Su-Th  
11 a.m. – 11 p.m., F & Sa

**Condition #11b:** Approve outdoor cooking

**Condition #11d:** Approve outdoor games

**Condition 14a:** Approve opening of front-facing garage door

**Condition 14c:** Approve live entertainment

six hour maximum:

5 p.m. to 11 p.m. on Fridays  
11 a.m. to 11 p.m. on Saturdays  
11 a.m. to 9 p.m. on Sundays and holidays



# Supplemental Information





**10. CONDITION AMENDED BY STAFF:** ~~Outdoor dining located on private property at a commercial complex is a permitted use in the CG zone. Zoning Ordinance Section 4-407 includes use limits and specifically states that uses cannot be conducted in a manner that would render it noxious or offensive by reason of noise. Given the history of violations related to this use and in order to comply with the Zoning Ordinance,~~ The outdoor dining area may be open to patrons from 11:00 a.m. to 11:00 p.m., Friday and Saturday and from 11:00 a.m. to 9:00 p.m., Sunday through Thursday and remain in compliance with the noise ordinance. The outdoor dining area shall be closed and cleared of all customers by 11:00 p.m. on Friday and Saturday and by 9:00 p.m., Sunday through Thursday and no new patrons may be admitted into the outdoor dining area after 10:00 p.m. on Friday and Saturday and 8:00 p.m. on Sunday through Thursday. The outdoor dining area shall be cleaned and washed by midnight on Friday and Saturday and by 10:00 p.m. on Sunday through Thursday. Staff shall not use any form of amplified sound, including radios and Bluetooth speakers, while cleaning and washing the outdoor dining area. (PC) (SUP #2023-00025)

**11. CONDITION AMENDED BY PLANNING COMMISSION:** The outdoor dining area shall address the following:

- a. The maximum number of outdoor seats shall be determined by and comply with the statewide building and fire code.
- b. ~~Outdoor cooking facilities and host stands are not is~~ permitted, to include “s’mores” and cooking classes are permitted without amplified sound and in accordance with the fire code.
- c. All outdoor dining furniture ~~and games~~ must not be closer than 25 feet from the rear property line.
- d. ~~No~~ The use of outdoor games shall be ~~permitted not to exceed the area depicted on the plan (Figure 2) and submitted with the application on April 2, 2024. The games shall be placed~~ no closer than 65 feet from the shared residential property line and shall be placed on mats if ground mounted ancillary to the principal use as a restaurant. (PC) (SUP #2023-00025) (P&Z)



14. **CONDITION AMENDED BY PLANNING COMMISSION: Music and Live Entertainment**

- a. Indoor live entertainment is permitted from 4:00 p.m. to 12:00 a.m., consistent with the noise ordinance. All windows and doors must remain closed during indoor live entertainment except for the garage door in front of the building. No admission or cover 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.
- b. Outdoor amplified music in the form of background music is permitted from 11 a.m. to 11 p.m., Friday and Saturday and from 11 a.m. to 9 p.m., Sunday through Thursday, consistent with the noise ordinance.
- c. ~~Any form of outdoor live entertainment and/or the amplification of the human voice shall be prohibited in the outdoor dining area unless associated with an approved Noise Permit for music and sound amplification from the Department of Transportation & Environmental Services.~~ Outdoor live entertainment may occur for a maximum of six hours and only within the time frames of 5 p.m. to 11 p.m. on Fridays; 11 a.m. to 11 p.m. on Saturdays; and 11 a.m. to 9 p.m. on Sundays and holidays. The applicant shall email notice to the residents of Sanborn Place notifications of the date and times of live entertainment events no less than one week in advance. The applicant shall also post live entertainment events on the business website. Live entertainment shall include, but is not limited to, live music of any type, DJ's, hosted game/trivia nights, movie nights, classes/workshops/meetings, and any such similar events. Live entertainment volume shall be the same decibel level as the background music and controlled only through the house system. The projection of live music and live entertainment from within the restaurant to the outdoor area via loudspeakers ~~or~~ through open doors and windows shall be prohibited at all times.
- d. Should documented violations of the noise ordinance occur, which are not corrected immediately and constitute repeat violations, the applicant shall develop a noise mitigation plan to the satisfaction of the Director of Transportation & Environmental Services and the Director of Planning & Zoning.
- e. The applicant shall designate an employee as a community liaison to respond to nearby property owners' noise concerns. The contact phone number and email for the community liaison shall be provided to the Mount Vernon Court Community Association. ~~(PC)-(CC)~~ ~~(SUP #2023-00025)-(P&Z)~~