

EXHIBIT NO. 1

7  
1-20-07

Docket Item #3  
SPECIAL USE PERMIT # 2006-0098

Planning Commission Meeting  
January 4, 2007

**ISSUE:** Consideration of a request for a special use permit to operate a restaurant with carry-out service.

**APPLICANT:** Jerry's Systems, Inc  
by Jay Ryan

**LOCATION:** 520 John Carlyle Street, Unit 150

**ZONE:** CDD-1/Coordinated Development District #1

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**PLANNING COMMISSION ACTION, JANUARY 4, 2007:** On a motion by Mr. Robinson, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 5 to 2.

Reason: The Planning Commission agreed with staff's analysis.

Speakers:

Mr. Harvey, resident, spoke in support of the request.

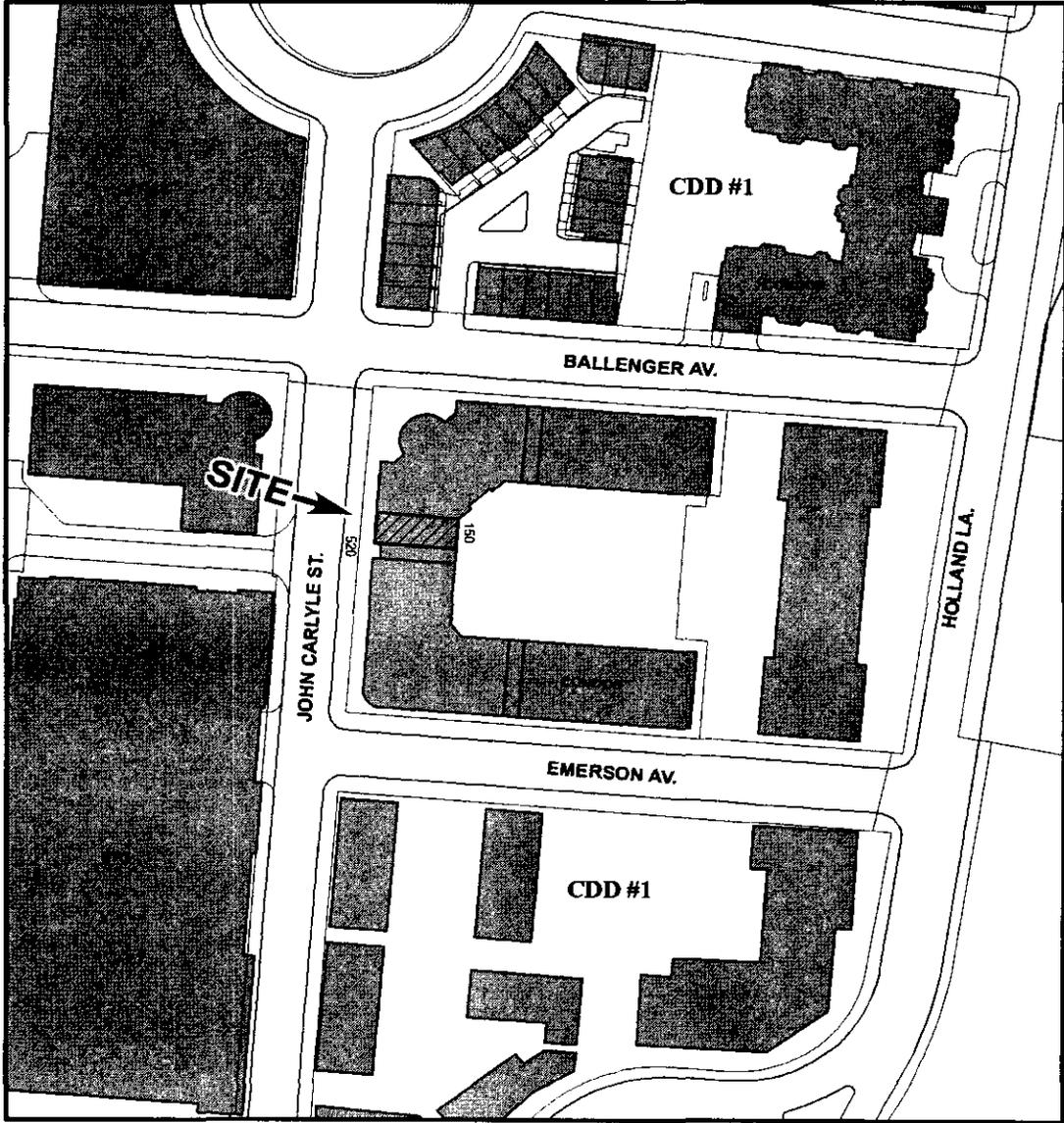
**PLANNING COMMISSION ACTION, DECEMBER 5, 2006:** By unanimous consent, the Planning Commission deferred the request. Mr. Dunn and Mr. Robinson were absent.

Reason: The Commission decided that more information is needed regarding the current retail vacancies within the Carlyle Development.

Speakers:

Craig Rosen, resident, was opposed to a fast food style restaurant located within the Carlyle Development because the intent of the Carlyle Plan is for dine-in restaurants.

**STAFF RECOMMENDATION:** Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



**I. DISCUSSION**

REQUEST

The applicant, Jerry's Systems, Inc, requests special use permit approval for the operation of a restaurant with carry-out service located at 520 John Carlyle Street, Unit 150.

SITE DESCRIPTION

The subject property is one lot of record with 277 feet of frontage on John Carlyle Street, 279 feet of depth and a total lot area of 77,228 square feet. The site is being developed with the Shops at Carlyle Square building, a multi-story condominium building that includes a mix of residential and retail uses. The proposed restaurant space is located in a middle tenant space on the first floor and occupies 1,843 square feet.



The building is part of the 70-plus acre Carlyle development that has been designed for a mix of office, residential, and retail uses.

PROPOSAL

The applicant, Jerry's Systems, Inc., requests Special Use Permit approval for the operation of a restaurant with outdoor dining and carry-out service. The applicant proposes the interior to be of high quality with high-end finishes to include cork wall paneling, and custom stainless steel trim (see attached photos). The applicant anticipates more customers at lunch than dinner. The operation of the business as proposed by the applicant is as follows:

Hours:	10:30am- 9:30pm Sunday- Thursday 10:30am- 10:00pm Friday- Saturday
Number of seats:	51 indoor seats <u>+20 outdoor seats</u> 71 total seats
Employees:	5 employees per shift
Noise:	No noise impacts are anticipated

Trash/Litter: Litter will be picked up outside on each shift by employees. Trash will be collected commercially through an agreement with the landlord.

Alcohol: The applicant is proposing on-premises beer and wine service.

Neither live entertainment nor delivery service are being proposed.

PARKING

The parking requirements for the subject building were specified in the Transportation Management Plan (Special Use Permit #2254), and these parking requirements were met for the subject site in the development of the on-site parking garage. The parking garage provides 40 parking spaces for the retail uses of the building. The applicant is thus not required to provide parking beyond that already provided at the subject site.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD#1/Coordinated Development District zone. Section 5-602 (A) of the Zoning Ordinance identifies OC/Office Commercial zone as the underlying zone which allows a restaurant only with a special use permit.

The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for a use consistent with the CDD #1 zone.

**II. STAFF ANALYSIS**

Staff was initially concerned about this application because it proposes to occupy Carlyle retail space with a fast food chain restaurant, instead of a full service restaurant, or high end retail or personal service use, consistent with the overall quality of Carlyle and the need to attract additional desirable uses. Many restaurants that have opened in Carlyle over the past few years have been fast food establishments intended to serve workers in the area. (Subway Café, SUP# 2002-0095; Uptowner Cafe at 333 John Carlyle, SUP#2003-0070, Plaza Gourmet at 1940 Duke Street, SUP#2003-0081, and Jimmy John's at 330 John Carlyle Street , SUP#2004-0032.) Although serving an immediate need, and filling a new space, staff would prefer to see a diverse mix of eating options occupying these important retail spaces, to include sit down dinner establishments that would attract patrons in the evening and contribute to the long term economic viability of the area.

On June 12, 2004, City Council approved SUP#2004-0028, an amendment for Carlyle to provide for desirable retail uses in the limited retail space available there. As to restaurants, full service restaurants and outdoor restaurant seating are permitted by administrative permit, not SUP, to provide an incentive for these uses. While fast food restaurants without full service is still allowed, the SUP requirement remains in order to ensure that the restaurant is designed to be compatible with the character and design standards required for the Carlyle area.

While staff feels that it would be desirable for a full service restaurant to be located at this retail space, it also recognizes that there is still a demand for quick service restaurants to be located in close proximity to an area with a large number of office workers. By requiring conformance with high quality design elements, staff is confident that the proposed use will not detract from the surrounding retail area.

Although the applicant requested more limited hours of operation, staff recommended allowing longer hours, consistent with what was approved at other restaurants in Carlyle, to provide for flexibility if and when the market supports a more upscale eating establishment. The hours are consistent with those approved for the Subway restaurant at 1800 Duke Street and the Uptowner deli at 333 John Carlyle Street.

With these conditions, staff recommends approval of the special use permit.

### **III. RECOMMENDED CONDITIONS**

Staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions:

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)
2. Seating shall be provided for no more than 51 indoor patrons and 20 outdoor patrons. Outdoor seating is subject to the following:
  - (a) Outdoor seating shall not encroach upon the City right-of-way or the public sidewalk access easement area.
  - (b) Litter shall be picked up as it is generated.
  - (c) The outside dining area shall be cleaned at the close of each day of operation.
  - (d) Any outdoor seating areas, including umbrellas, shall not include advertising signage. (P&Z)

3. The design of the restaurant shall reflect the character, quality and high standards established for Carlyle. The applicant shall prepare a design plan for both interior and exterior areas, to include interior finishes, colors, materials, furniture, lighting and specifications, which shall be to the satisfaction of the Director of Planning and Zoning, and which shall include the following elements:
  - (a) All tables and chairs shall be constructed of wood material and seating areas shall maximize floor areas.
  - (b) Fluorescent lighting shall be prohibited in the dining area. Lighting in this area shall be kept at low levels to create a warm, attractive ambiance.
  - (c) Any self-service beverage machine shall be located so that it is minimally visible from the exterior of the restaurant.
  - (d) Interior signage shall be minimized. Decorative signs, except for a few Jerry's Subs signs and required directional signs, shall not be permitted along the food service counter but may be consolidated in areas not visible from the street.
  - (e) Menu boards shall be plain, with no internal lighting or pictures of food.
  - (f) The outdoor dining area shall include planters with four seasons of decorative plant material.
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. The hours of operation shall be limited to 7:00 a.m. to 12:00 a.m., daily. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
7. On premises beer and wine service is permitted; no off-premise sales are permitted. (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z)
9. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)

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 or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
11. Window signs or posters shall not block the visibility of the interior of the store from the street. Shelving, boxes, coat racks, storage bins, closets, and similar items shall be located where they do not block the windows. All window coverings shall remain open as much as possible and some interior accent lighting shall be provided when the business is closed. The front of the business may not be illuminated by flood lights placed on the sidewalk, trees or poles. (P&Z)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
13. The applicant shall control cooking 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)
14. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
15. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and a robbery awareness program for all employees prior to operation. (Police)
16. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
17. 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)
18. The applicant shall require that employees who drive to work use off-street parking. (P&Z) (T&ES)
19. The applicant shall post signs directing patrons to the availability of parking in area garages. (P&Z)

20. 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. (T&ES)
21. Any permanent structures which are required for the outdoor seating area shall be subject to review and approval by the Carlyle Design Review Board. (P&Z)
22. Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. The trash container shall be emptied at the close of business day. (P&Z)(T&ES)
23. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
24. The outside dining area shall be cleaned at the close of each day of operation. (P&Z)
25. The Director of Planning and Zoning shall review the special use permit one year after approval 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 a result of a complaint that rises to the level of a violation, 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)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;  
James Hunt, Urban Planner.

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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.

#### IV. CITY DEPARTMENT COMMENTS

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

##### Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control cooking 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 & Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-5 Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.
- R-6 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.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials.(Sec. 5-1-99)

Code Enforcement:

- C-1 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-2 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 116.1.
- C-3 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
- C-4 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application. An inventory and MSDS sheets for hazardous materials are required.
- C-5 The following code requirements apply where food preparation results in the development of grease laden vapors:
  - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
  - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-6 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
  - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
  - (b) How food stuffs will be stored on site.
  - (c) Rodent baiting plan.

- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-8 New construction shall comply with the current edition of the Uniform Statewide Building Code (USBC).

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are not transferable.
- C-3 Five sets of plans for each facility must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery readiness program for all employees.
- F-1 The applicant is an A.B.C. on license only. The Police Department has no objections.

DEC



# APPLICATION

## SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2006-0098

PROPERTY LOCATION: 520 JOHN CARLYLE ST  
TAX MAP REFERENCE: 073.04-01-33 ZONE: CDD #1

### APPLICANT

Name: JERRY'S SYSTEMS, INC. T/A JERRYS SUBS PIZZA  
Address: 15942 SHADYGROVE RD GAITHERSBURG MD 20877

### PROPERTY OWNER

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

PROPOSED USE: RESTAURANT

[ ] **THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[ ] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[ ] **THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

JAY RYAN DIRECTOR OF CONSTRUCTION

Print Name of Applicant or Agent  
15942 SHADY GROVE RD  
Mailing/Street Address  
GAITHERSBURG MD 20877  
City and State Zip Code

Signature  
301-921-8777 301-948-3508  
Telephone # x190 Fax #  
Email Address jayr@jerrysusa.com  
Date 9/25/06

**DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY**

Application Received: \_\_\_\_\_ Date & Fee Paid: \$ \_\_\_\_\_  
ACTION - PLANNING COMMISSION DEFERRED 12/5/06 5-0  
ACTION - CITY COUNCIL: \_\_\_\_\_

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SUP # 2006-0018



# APPLICATION

## SPECIAL USE PERMIT

All applicants must complete this form. Supplemental signs are required for child care facilities, restaurants, automobile-oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is the (check one):
- Owner
  - Contract Purchaser
  - Lessee or
  - Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

DAVID TERZIAN  
JOHN SMITH  
ADAM SCHWARTZ  
ROBERT BEGELMAN

15942 SHADY GROVE ROAD  
GAITHERSBURG, MD 20877

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
- No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

REVISED

SUP # 2006-0098

**NARRATIVE DESCRIPTION**

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should include such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary.)

JERRY'S SUBS PIZZA - EAT-IN "FAST-CASUAL"

AND CARRY-OUT NO DELIVERY

HIGH-END FINISHES - CORK WALL PANELING,

EXTENSIVE MIRRORS, CUSTOM STAINLESS TRIM

\* 51 SEATS (STRONGER LUNCH SALES VS. DINNER)

\* ANTICIPATED SALES OF BEER IS VERY LOW RELATIVE TO OVERALL SALES -

**\*REVISED**

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**USE CHARACTERISTICS**

4. The proposed special use permit request is for (check one):

- a new use requiring a special use permit, RESTAURANT/CARRYOUT
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?  
Specify time period (i.e., day, hour, or shift).

\* 51 SEATS INTERIOR  
20 SEATS EXTERIOR

B. How many employees, staff and other personnel do you expect?  
Specify time period (i.e., day, hour, or shift).

5 EMPLOYEES PER SHIFT MAX.

6. Please describe the proposed hours and days of operation of the proposed use:

Day: 7 DAYS  
FRI + SAT

Hours: 10:30 AM - 9:30 PM  
CLOSE 10:00 PM

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

NO NOISE ANTICIPATED.

B. How will the noise from patrons be controlled?

\* NO PROBLEM ANTICIPATED.

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8. Describe any potential odors emanating from the proposed use and plans to control them:

NONE

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use?

RESTAURANT

B. How much trash and garbage will be generated by the use?

2 CUBIC YDS / WEEK

C. How often will trash be collected?

LANDLORD'S DUMPSTER

D. How will you prevent littering on the property, streets and nearby properties?

VISUAL OBSERVATION, PICK UP LITTER

EACH SHIFT ; TRASH RECEPTACLES INSIDE DOR

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes.  No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

[ ] Yes.  No.

If yes, provide the name, monthly quantity, and specific disposal method below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. What methods are proposed to ensure the safety of residents, employees and patrons?

MAINTAIN CLEAN + ORDERLY PREMISES

\_\_\_\_\_  
\_\_\_\_\_

**ALCOHOL SALES**

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

[ ] Yes.  No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PARKING AND ACCESS REQUIREMENTS**

14. Please provide information regarding the availability of off-street parking.

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

\_\_\_\_\_

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B. How many parking spaces of each type are provided for the proposed use:

- \_\_\_\_\_ Standard spaces
- \_\_\_\_\_ Compact spaces
- \_\_\_\_\_ Handicapped accessible spaces.
- \_\_\_\_\_ Other.

C. Where is required parking located? (check one)

- on-site
- off-site

If the required parking will be located off-site, where will it be located?

\_\_\_\_\_

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance?

\_\_\_\_\_

B. How many loading spaces are available for the use? \_\_\_\_\_

C. Where are off-street loading facilities located? \_\_\_\_\_

\_\_\_\_\_

D. During what hours of the day do you expect loading/unloading operations to occur?

BETWEEN 7:30 - 8:30 AM ONE WEEKDAY  
EACH WEEK

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

WEEKLY DELIVERY TO THE STORE  
FROM SINGLE-SOURCE DISTRIBUTOR

SUP # 2006-0078

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

STREET ACCESS IS ADEQUATE

**SITE CHARACTERISTICS**

17. Will the proposed uses be located in an existing building?  Yes  No

Do you propose to construct an addition to the building?  Yes  No

How large will the addition be? ~~\_\_\_\_\_ square feet.~~

18. What will the total area occupied by the proposed use be?

1,843 sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = \_\_\_\_\_ sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building  a house located in a residential zone  a warehouse

a shopping center. Please provide name of the center: \_\_\_\_\_

an office building. Please provide name of the building: \_\_\_\_\_

Other. Please describe: MIXED USE DEVELOPMENT

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# APPLICATION RESTAURANT

All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?  
Indoors: 51      Outdoors: 20      Total number proposed: 71

2. Will the restaurant offer any of the following?  
Alcoholic beverages (SUP only)       Yes       No  
Beer and wine — on-premises       Yes       No  
Beer and wine — off-premises       Yes       No

3. Please describe the type of food that will be served:  
JERRY'S SUBS + PIZZA

4. The restaurant will offer the following service (check items that apply):  
 table service       bar       carry-out       delivery

5. If delivery service is proposed, how many vehicles do you anticipate? NO DELIVERY  
Will delivery drivers use their own vehicles?       Yes       N/A No  
Where will delivery vehicles be parked when not in use? N/A

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?  
 Yes       No  
If yes, please describe:  
LARGE SCREEN TELEVISION

SUP # 2006-0098

**Parking impacts.** Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
  - 100%
  - 75-99%
  - 50-74%
  - 1-49%
  - No parking can be accommodated off-street
  
2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
  - All
  - 75-99%
  - 50-74%
  - 1-49%
  - None
  
3. What is the estimated peak evening impact upon neighborhoods? (check one)
  - No parking impact predicted
  - Less than 20 additional cars in neighborhood
  - 20-40 additional cars
  - More than 40 additional cars

**Litter plan.** The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

**Alcohol Consumption and Late Night Hours.** Please fill in the following information.

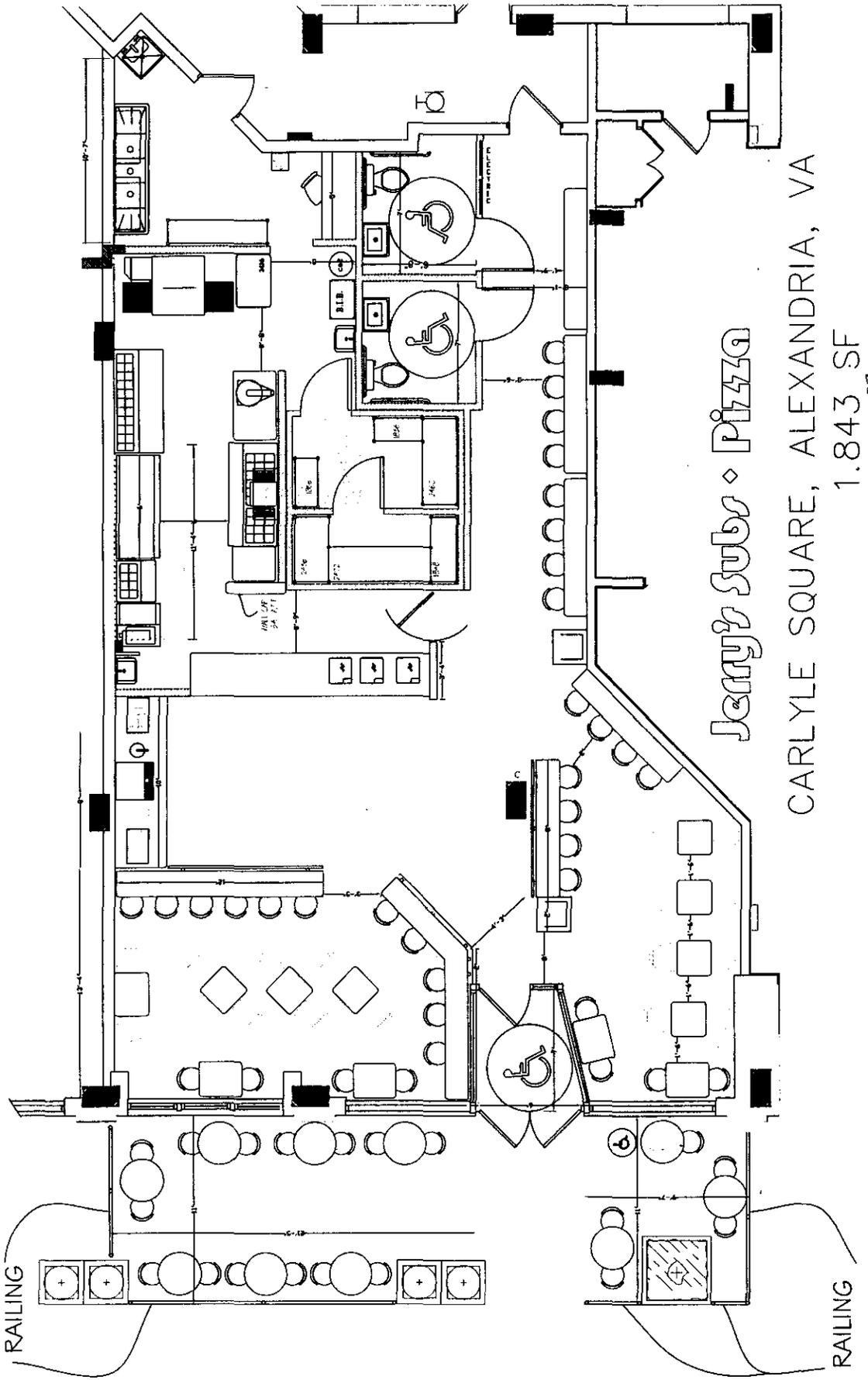
1. Maximum number of patrons shall be determined by adding the following:
 

	<u>71</u>	Maximum number of patron dining seats
+	<u>0</u>	Maximum number of patron bar seats
+	<u>0</u>	Maximum number of standing patrons
=	<u>71</u>	Maximum number of patrons
  
2. 5 Maximum number of employees by hour at any one time
  
3. Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)
  - Closing by 8:00 PM
  - Closing after 8:00 PM but by 10:00 PM
  - Closing after 10:00 PM but by Midnight
  - Closing after Midnight
  
4. Alcohol Consumption (check one)
  - High ratio of alcohol to food
  - Balance between alcohol and food
  - Low ratio of alcohol to food **VERY LOW**



SUP2006-0098

REVISED



Jerry's Subs & Pizza

CARLYLE SQUARE, ALEXANDRIA, VA

1,843 SF

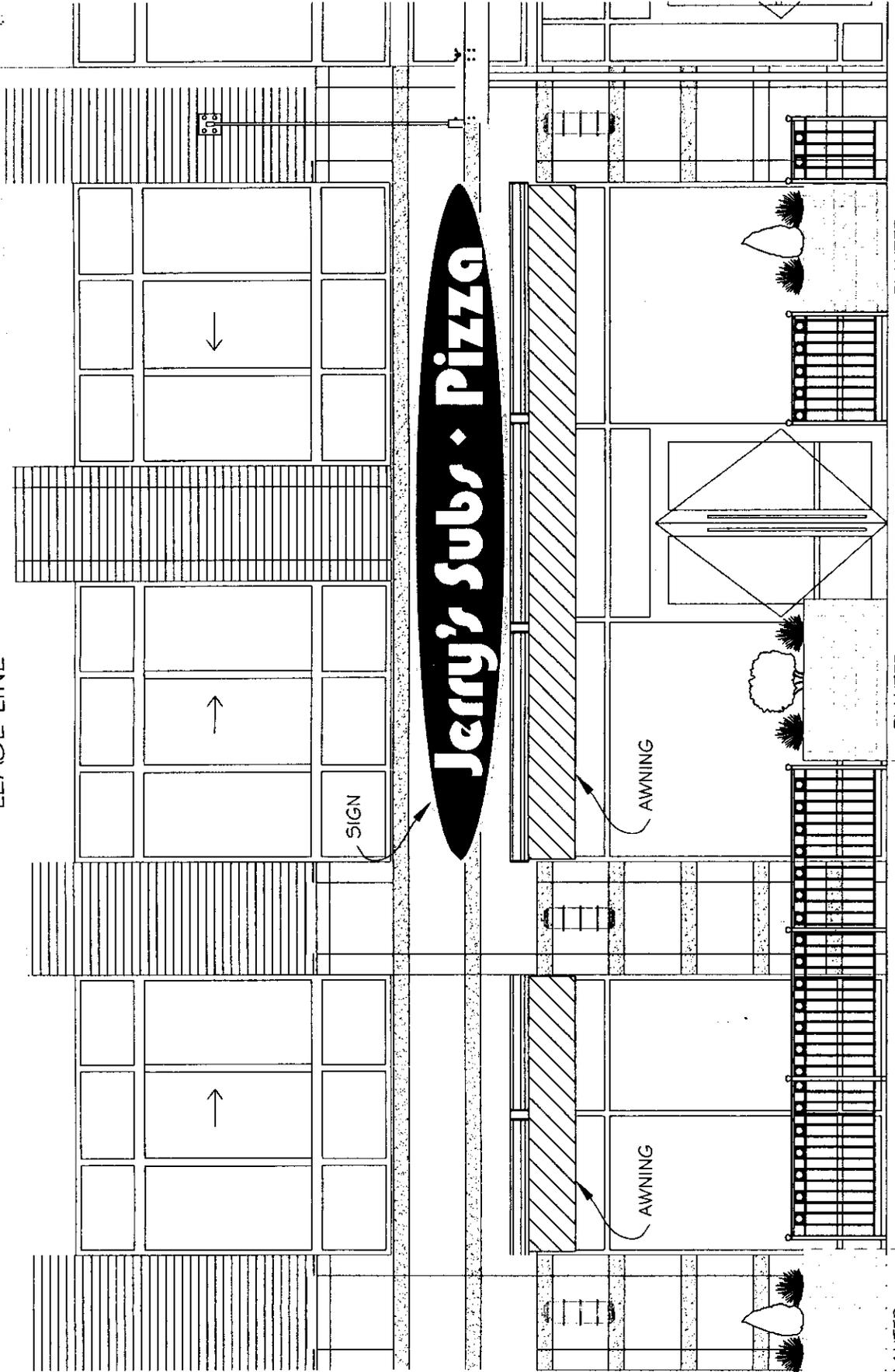
TREE  
PLANTER

TREE  
PLANTER

23

37-b

LEASE LINE



PLANTER

PLANTER

PLANTER

15'-8 1/2"

DTC CADLINE OUTDOOR CEILING LIGHTING

04

City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 2, 2007  
TO: CHAIRMAN AND MEMBERS OF PLANNING COMMISSION  
FROM: RICH JOSEPHSON, ACTING DIRECTOR, PLANNING AND ZONING *RS*  
SUBJECT: SUP 2006-0098, JERRY'S SUBS AND PIZZA, FOLLOW-UP FROM  
DECEMBER PLANNING COMMISSION MEETING

A Special Use Permit request, SUP 2006-0098, for a Jerry's Subs and Pizza at 520 John Carlyle Street, was considered and deferred at the December 5, 2006 Planning Commission meeting. The Planning Commission expressed concern with the number of quick service restaurants in Carlyle and the potential for such additional restaurants to take up space that could be devoted to full service restaurants. The Planning Commission asked that staff come back at the January Planning Commission meeting and provide information on the amount of retail space devoted to quick service restaurant uses and the availability of other retail space that could accommodate full service restaurants.

The following is staff's analysis.

Current Situation

Currently, there are five quick service restaurants in the Carlyle development. These restaurants are located in several different blocks, primarily in and around John Carlyle Street, the major retail street in the Carlyle development (see attached map of Carlyle Retail Space). The restaurants include chain establishments such as Subway and Quiznos as well as non-chains such as the Uptowner Café and Plaza Gourmet.

The five quick service restaurants comprise a total of 11,349 square feet of floor area, ranging in size from 1200 square feet (Quiznos) to 4,200 square feet (Plaza Gourmet).

There are also nine other retail/personal service establishments in Carlyle that are not restaurants. These establishments comprise a total of about 20,000 square feet of floor area and are located in a variety of blocks in the Carlyle development. They include uses such as banks, a day spa, a gallery, a travel agency, and a convenience grocery store.

The total amount of retail programmed for Carlyle is 258,850 square feet. Existing quick service restaurants account for 11,349 square feet, with an additional 3,500 square feet in

two proposed quick service establishments that have applied for SUP approval (Jerry's Subs and Pizza and Starbucks). Other retail uses account for about 20,000 square feet of space, leaving approximately 224,000 square feet for new retail uses, both restaurant and non-restaurant.

To date, there are no existing full service restaurants located in Carlyle, although an application has been received for one, which is pending approval through an administrative process.

### Retail Market

According to leasing agents and economic development specialists contacted by the City, the current retail market in Carlyle is primarily in the personal service and quick serve restaurant business. The market for quick service is supported by approximately 8,000 day workers employed at the Patent and Trade Office. It has been reported that a number of full service restaurants have been recruited to locate in Carlyle and have decided not to move there yet, citing the lack of a robust evening market. At present, there are approximately 2,800 occupied residential units in Carlyle, with an additional 2,000 planned or under construction. As more residential units in Carlyle become occupied, it is likely that more full service restaurants will locate there.

Quick service restaurants will continue to be interested in locating in Carlyle as long as there is a demand for a variety of eating establishments to serve the large daytime population. It is also likely that there will be turnover of some of the quick service uses to full service and other retail uses as the area evolves over time.

### Summary

There are currently five quick service food establishments in Carlyle, and nine other retail, non-restaurant uses, comprising a total of about 30,000 square feet (see attached chart). The quick service restaurants are supported by the large daytime population of workers at PTO. Some full service restaurants have expressed an interest in locating there, however, their future will depend on attracting patrons in the evening, which will depend to some degree on the number of people residing in and around Carlyle. One full service restaurant has recently applied for approval through the administrative review process.

With 224,000 square feet, or over 86% of the retail space still available in Carlyle, there are ample opportunities to accommodate the short and long term needs for both quick service and full service restaurants and other retail and personal service uses.

### Attachments

Occupied Retail and Personal  
Service Floor Area in Carlyle

Quick Service Restaurants	Address	Floor Area
Uptowners Café	333 John Carlyle St	1,600
Subway	1800 Duke St	1,674
Plaza Gourmet	1940 Duke St	4,200
Jimmy John's	330 John Carlyle St	2,675
Quizno's	401 Dulany St.	1,200
<b>Total</b>		<b>11,349</b>

Other Retail/Personal Service	Address	Floor Area
Café Gallery Market	2141 Jamieson Ave	1,000
Cruise Holidays	2161 Jamieson Ave	1,000
Serenite Day Spa	520 John Carlyle St, Unit #180	3,072
Chevy Chase Bank	2051 Jamieson Ave, Unit #150	3,500
Charles Schwab	330 John Carlyle Square, Unit #12	3,204
Burke & Herbert Bank	1775 Jamieson Ave	3,392
PTO Coffee House	501 Dulany St.	500
Meridian Mart	401 Holland Lane, Unit#1	1,000
Matthew Johnston Gallery	400 John Carlyle St.	3,000
<b>Total</b>		<b>19,668</b>

# 2006 Carlyle Retail Space

## Legend

### Actual Use

-  Quick Service Restaurant
-  Retail / Personal Service

### Approved Uses

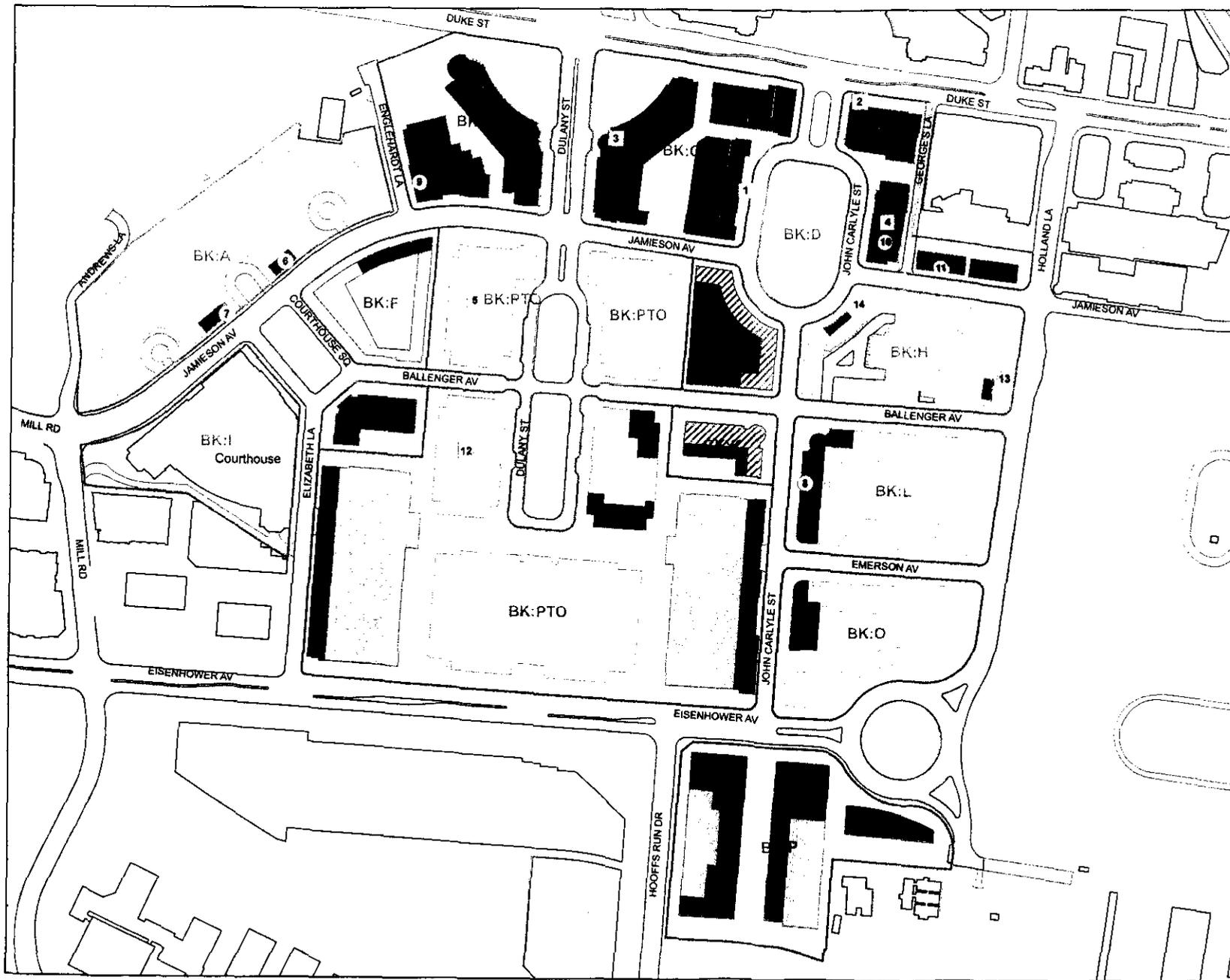
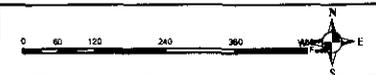
-  Garage
-  Day Care
-  Hotel
-  Office
-  PTO
-  Residential
-  Retail - 1st Floor Only
-  Retail - 1st and 2nd Floor
-  N/A - Not in Carlyle / Other

### Carlyle Blocks



### Index of Occupied Retail

- 1 Uptowners Café
- 2 Subway
- 3 Plaza Gourmet
- 4 Jimmy John's
- 5 Quizno's
- 6 Café Gallery Market
- 7 Cruise Holidays
- 8 Serenite Day Spa
- 9 Chevy Chase Bank
- 10 Charles Schwab
- 11 Burke & Herbert Bank
- 12 PTO Coffee House
- 13 Meridian Mart
- 14 Matthew Johnston Gallery



28

JB

A | E | D | P

17  
1-20-06  
-submitted by  
PEZ staff

MEMORANDUM

DATE: January 19, 2007  
TO: Rich Josephson, Acting Director, Planning & Zoning  
FROM: Stephanie Landrum, Acting Executive Director, AEDP  
RE: Quick Service Restaurants in Carlyle

As we have discussed at length, AEDP has been working to assist with the leasing of retail and restaurant space in Carlyle since the first building was delivered to the market. Some of those efforts include:

- Creation of a Carlyle marketing piece
- Targeted mail and cold-call campaigns to restaurants and retailers
- Placement of Carlyle "stories" in trade magazines and press
- Numerous tours and events at buildings in Carlyle
- Available retail listing distributed to hundreds bi-monthly

Despite all of this, leasing activity has been slow. Through feedback from prospects, property owners and retail brokers working in the area a number of challenges have been identified. As it specifically pertains to restaurants, the major issue has been that there has not been a dinner crowd available to support these restaurants. For most full-service restaurants 60% of their profit comes from dinner. While most every restaurateur who has visited Carlyle agrees there would be a strong lunch crowd, the lack of diners for dinner financially makes these full-service restaurants too much of a financial risk at this juncture. AEDP has first-hand knowledge that at least 30 full-service restaurants have looked at various spaces throughout Carlyle. Most feel confident that once the residential development is complete and residents have moved in, the market will be much more attractive.

Other issues that are consistently mentioned by both restaurants and retailers are lack of visibility from Duke Street (a major thoroughfare), limited signage opportunities, lack of on-street parking, un-programmed John Carlyle Square, lack of street activity, and office users in first-floor retail space.

In terms of the Jerry's Subs SUP application that is before City Council on 1/20/07, our office feels strongly that these types of uses need to be encouraged. Fast casual restaurants are often the first

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Alexandria, Virginia 22314  
ph. 703.739.3820 fax. 703.739.1384  
info@alexecon.org  
www.alexecon.org



retailers to enter new markets and this business will provide a great service to the 10,000+ daytime “residents” in Carlyle, as well as add an active storefront to an otherwise quiet street. With over 250,000 square feet of retail space under development in Carlyle and only a small percentage of that occupied, there is plenty of room for future full-service restaurants, as the demand grows.

While Carlyle will eventually be a vibrant mixed-use community, with 24/7 activity, right now it is a very strong office market and I believe we must work diligently to provide appropriate services to keep our office tenants happy. As the economy begins to slow and major issues like BRAC face our region, office users will soon have a multitude of new options for locations. With this in mind I have pulled information from a survey conducted in July 2004:

The US Patent & Trademark Office provided demographic and income data for their employees as requested by the developers of retail space in Carlyle. The information included residence by zip code, average salaries, and work schedules. Along with this data, USPTO staff also included a memo titled “Business Opportunities around the new PTO site.”

“The following types of businesses were available at Crystal City and (thus far) are not in evidence at the new PTO site. It should be noted that Crystal City took at least 10 years to acquire all the amenities it had available, but there is no reason why Alexandria cannot learn from the Arlington experience and do it in less time.”

- Sundry Store
- Barber Shop
- Hair/Nail Salons
- Dry Cleaners
- News Stand
- Less than 1<sup>st</sup> Class Restaurants
- Card Store
- Women’s Clothing Store
- Grocery Store/Pharmacy
- Bank Branch

The AEDP continues to work on marketing Carlyle, along with the rest of Alexandria, to retailers and restaurants. In March and May we will attend International Council of Shopping Center (ICSC) tradeshows where we will have a display booth as well as organized meetings with retailers and brokers. We are also in discussions with the Restaurant Association Metropolitan Washington (RAMW) to hold another reception in Alexandria. Our last joint event, held at Stella’s Restaurant in 2004, was extremely popular.

When asked for their thoughts on fast casual dining in Carlyle Lynne Breaux, President of RAMW said:

“Fast casual restaurants are a good start towards increasing activity in the area, which will in turn attract more energy and excitement to the area. Some restaurants have to be the first to take a leap in an area, and we feel confident that more will follow, to include full service dining.”

I hope that this information is helpful to both you and your staff, and to City Council should you decide to share this. I plan to attend the meeting in the morning and will be available to elaborate or answer any questions that might arise.

SPEAKER'S FORM

DOCKET ITEM NO. 7

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK  
BEFORE YOU SPEAK ON A DOCKET ITEM**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: M Catharine Puskas
2. ADDRESS: 2200 Clarendon Blvd Ste 1300 Axl VA 22201  
TELEPHONE NO. 703-528-4700 E-MAIL ADDRESS: cpuskas@axl.thelandlawyers.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Jerry's Subs + Pizza Restaurant
4. WHAT IS YOUR POSITION ON THE ITEM?  
FOR:  AGAINST: \_\_\_\_\_ OTHER: \_\_\_\_\_
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):  
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?  
YES  NO \_\_\_\_\_

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

**Guidelines for the Public Discussion Period**

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

7  
DEC



# APPLICATION

## SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2006-0098

PROPERTY LOCATION: 520 JOHN CARLYLE ST  
TAX MAP REFERENCE: 073.04-01-33 ZONE: CDD #1

### APPLICANT

Name: JERRY'S SYSTEMS, INC. T/A JERRYS SUBS PIZZA  
Address: 15942 SHADY GROVE RD GAITHERSBURG MD 20877

### PROPERTY OWNER

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

PROPOSED USE: RESTAURANT

[ ] **THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[ ] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[ ] **THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

JAY RYAN DIRECTOR OF CONSTRUCTION

Print Name of Applicant or Agent

Signature

15942 SHADY GROVE RD

301-921-8777

301-948-3508

Mailing/Street Address

Telephone # x190 Fax #

GAITHERSBURG MD 20877

Email Address jayr@jerrysusa.com

City and State

Zip Code

Date 9/25/06

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY	
Application Received: _____	Date & Fee Paid: \$ _____
ACTION - PLANNING COMMISSION <u>DEFERRED 12/5/06 5-0</u>	Recommended approval <u>2-4-07 -2</u>
ACTION - CITY COUNCIL: <u>01/20/07 - City Council approved the PC recommendation 7-0</u>	

Application SUR.pdf  
8/1/06 Prnz/Applications, Forms, Checklists/Planning Commission

+12