

EXHIBIT NO. 1

7
3-17-07

Docket Item #5
SPECIAL USE PERMIT #2006-0122

Planning Commission Meeting
March 6, 2007

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: Potbelly Sandwich Works, LLC
by Michael Puckett

STAFF: James Hunt, Planner
james.hunt@alexandriava.gov

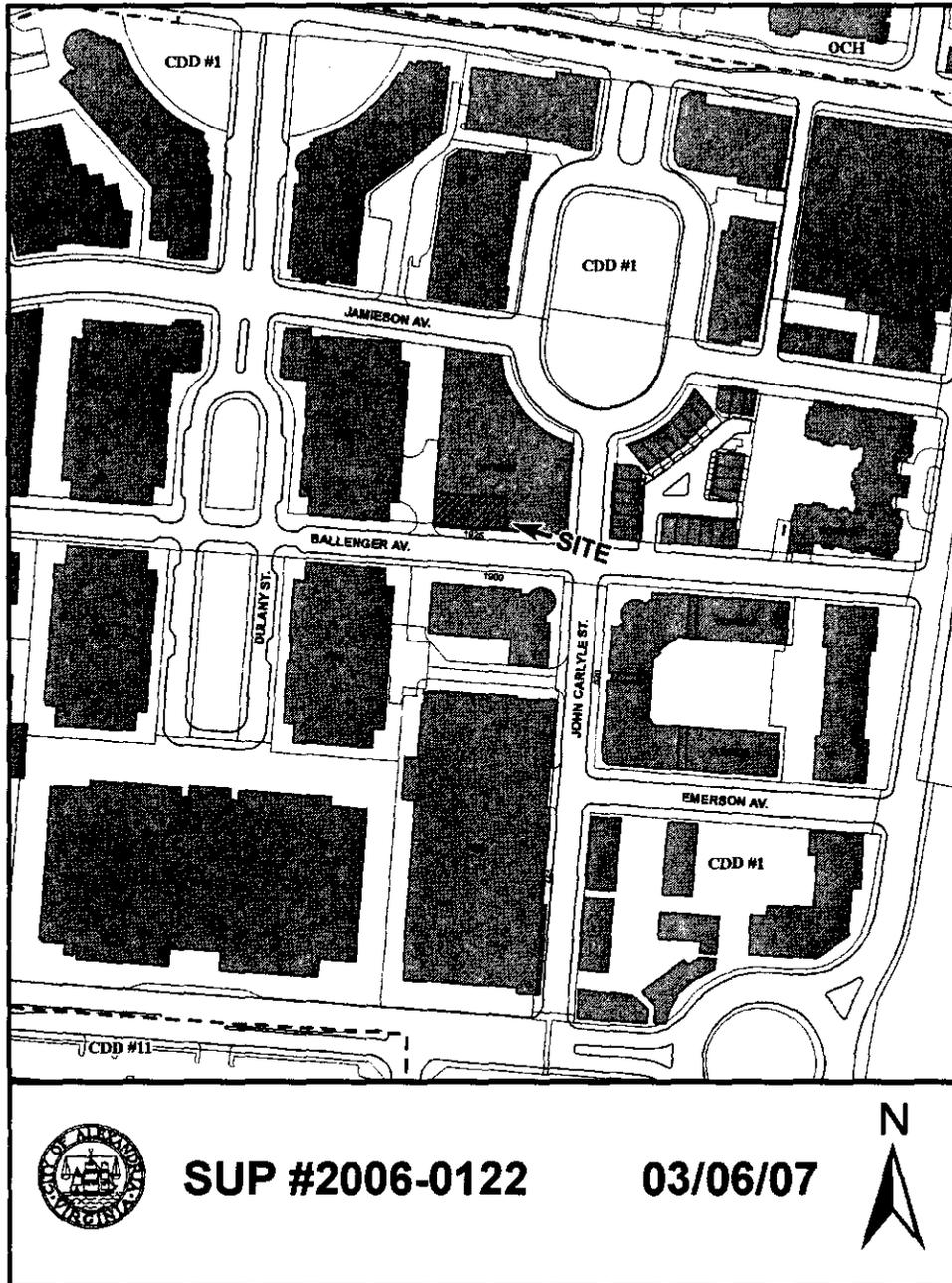
LOCATION: 1925 Ballenger Avenue

ZONE: CDD 1/Coordinated Development District

PLANNING COMMISSION ACTION, MARCH 6, 2007: On a motion by Mr. Komoroske, seconded by Mr. Robinson, the Planning Commission voted to recommend approval of the request, subject to compliance with all codes, ordinances and staff recommendations. The motion carried on a vote of 6 to 0. Ms. Lyman was absent.

Reason: The Planning Commission agreed with staff's analysis. However, the Commission had concerns about the number of quick service type restaurants proposed for the Carlyle development, and requested that staff develop standards to ensure that space is reserved for the type of full service restaurants envisioned for the area. Mr. Jennings recommended that standards are developed in conjunction with the Economic Development staff. Ms. Fossum requested a status report on the number and type of restaurants in the area, and suggested that staff think about the process for recycling the quick service restaurants in the future. Chairman Wagner requested that restaurant proposals for the Carlyle area not be placed on the consent agenda.

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.



SUP #2006-0122

03/06/07



I. DISCUSSION

REQUEST

The applicant, Potbelly Sandwich Works, Inc, requests special use permit approval for the operation of a restaurant located at 1925 Ballenger Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 97.1 feet of frontage on Jamieson Avenue, 144 feet of depth and a total lot area of 44,840 square feet. The site is developed with a mixed use of office and retail spaces. Access to the property is from Ballenger Avenue. The proposed restaurant space is located in an end tenant space on the first floor and occupies 2,300 square feet of retail space.



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 proposes to operate a Potbelly Sandwich shop. The proposed space is located within the northern portion of the building, near the intersection of Jamieson Avenue and John Carlyle Street. The applicant proposes to offer the same products as other Potbelly locations such as soups, sandwiches, and milkshakes. The specific aspects of the establishment are as follows:

- | | |
|------------------|--|
| Hours: | Daily 11am- 9pm |
| Number of seats: | Indoors 58 |
| | <u>Outdoors +20</u> |
| | Total Seats 78 |
| Noise:
levels | The applicant does not anticipate high noise levels |
| Trash/ Litter: | Trash will be collected 1- 3 times daily. A waste receptacle will be located outside for outdoor dining patrons and employees will monitor the surrounding premises daily as a part of the closing procedures. |

Delivery Service: Two bicycles will be used for food deliveries to office workers within the Carlyle Development.

Live Entertainment: A local musician will perform acoustic easy listening music during lunch hours from 11am- 1pm daily.

Alcohol Service: No alcohol service will be provided

PARKING

Pursuant to Section 8-200(A) (8) of the Zoning Ordinance, a restaurant with 78 seats is required to provide 20 off-street parking spaces. The parking requirements for the subject building were specified in the Transportation Management Plan for the Carlyle Development (Special Use Permit#2254), and these parking requirements were met for the subject site in the development of the on-site parking garage.

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 for use other than full-service 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 OC zoning requirements listed under the CDD #1 zone.

II. STAFF ANALYSIS

Staff does not object to the proposed Potbelly Restaurant. With 84% of allocated retail space in Carlyle currently unoccupied, there continues to be more than sufficient square footage to accommodate the mix of retail that is desired. This and the other quick service establishments approved in recent years serve the thousands of workers in the immediate area.

Currently there are seven quick service restaurants approved to be located in Carlyle, occupying a total of 14,842 square feet of retail space. In addition to the Potbelly Restaurant, there is a pending request for a Bruegger's Bagels restaurant, proposed to be located at 520 John Carlyle Street. Staff finds that if both pending quick service restaurant requests are approved, there will be 212,481 square feet of retail space remaining within the Carlyle Development. Staff finds there is a sufficient amount of retail space remaining for other retail uses as well as full service and quick service restaurants. In addition, on February 8, 2007, staff administratively approved a full-service restaurant occupying 7,654 square feet of retail space, located at 1900 Jamieson Avenue, the same block as the proposed Potbelly Restaurant.

Carlyle Retail Space Occupancy

Establishment	Use	Address	Block	Square Footage
Uptowners Café	Quick Service	333 John Carlyle St	C	1,600
Subway	Quick Service	1800 Duke St	E	1,674
Plaza Gourmet	Quick Service	1940 Duke St	C	4,200
Jimmy John's	Quick Service	330 John Carlyle St	E	2,675
Quizno's	Quick Service	401 Dulany St.	F	1,200
Jerry's Subs	Quick Service	520 John Carlyle St	L	1,843
Starbucks	Quick Service	1901 Ballenger Avenue	G	1,650
***Potbelly	Quick Service	1925 Ballenger	G	2,300
***Bruegger's Bagels	Quick Service	520 John Carlyle St	L	1,905
Total Quick Service Occupied				18,047
Café Gallery Market	Retail	2141 Jamieson Ave	A	1,000
Cruise Holidays	Retail	2161 Jamieson Ave	A	1,000
Serenite Day Spa	Retail-Personal Service	520 John Carlyle St, Unit #180	L	3,072
Chevy Chase Bank	Retail-Personal Service	2051 Jamieson Ave, Unit #150	B	3,500
Charles Schwab	Retail-Personal Service	330 John Carlyle Square, Unit #120	E	3,204
Burke & Herbert Bank	Retail-Personal Service	1775 Jamieson Ave	E	3,392
PTO Coffeehouse	Retail-Quick Service (Accessory)	501 Dulany	M	500
Meridian Mart	Retail- Grocery	401 Holland Lane, Unit#1	H	1,000
Matthew Johnston Gallery	Retail	400 John Carlyle St	H	3,000
Carlyle Club	Retail- Full Service Restaurant	1900 Jamieson Ave	G	7,654
Total Retail Space Occupied				46,369
Total Carlyle Retail Space				258,850
Total Carlyle Retail Space Remaining				212,481

*** = Pending Status

The applicant has agreed and staff has included condition #12 requiring the interior design of the restaurant to consist of high quality design elements. Staff has worked closely with the applicant to ensure a high quality design for the interior retail space.

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 business or entity in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 58 patrons inside and 20 patrons outside. (P&Z)
3. The hours of operation shall be limited to 7am- 12am daily. (P&Z)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
5. Outside dining facilities may be located on private property and shall not encroach onto the public right-of-way. The applicant shall ensure that pedestrian access is provided past the outdoor seating and shall clean the seating area at the close of each day of operation. (P&Z)
6. The applicant may provide seating up to 20 outdoor seats. Outdoor seating shall be located along Ballenger Avenue. Any outdoor seating areas, including umbrellas, shall not include advertising signage (P&Z)
7. Live entertainment consisting of non-amplified music shall be permitted. (P&Z)
8. No alcohol service shall be permitted. (P&Z)
9. No food, beverages, or other material shall be stored outside. (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)(T&ES)

11. 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)
12. 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 a dark color or wood material and seating areas shall maximize floor areas.
 - b. Fluorescent lighting shall be prohibited in the dining and food preparation area. Lighting in these areas shall be kept at low levels to create a warm, attractive ambiance.
 - c. The service counter shall be of high quality surface material such as ceramic tile that minimizes its visual impact.
 - d. Menu boards shall be plain, lettered panels without pictures of food.
 - e. The outdoor dining area shall include planters with four seasons for decorative plant material. (P&Z)
13. The applicant shall design both the exterior and interior portions of the space pursuant to the Carlyle Design Guidelines, to the approval of the Director of Planning and Zoning. (P&Z)
14. 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)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)(P&Z)

17. 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. (T&ES)
18. 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
19. Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
20. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
21. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees prior to operation. (Police)
22. 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) (P&Z)
23. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z)
24. Bicycle delivery service shall be permitted. (P&Z)

25. The Director of Planning and Zoning shall review the special use permit after it 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 rises 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)

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

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.
- 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-5 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.
- R-6 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.
- 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 The current use is classified as B; the proposed use is A-2. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 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.
- C-4 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-5 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-6 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-7 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-8 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-9 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.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for 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-1 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 not seeking an "ABC" permit. The Police Department concurs with this.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2006-0122

Parcel Add: 1900 Ballenger St.

PROPERTY LOCATION: Carlyle Center, Block G, 1st Floor, 1925 Ballenger St., Alexandria, VA

TAX MAP REFERENCE: 073 03 02-16 **ZONE:** CDD #1

APPLICANT

Name: Michael Puckett - Project Manager, Potbelly Sandwich Works, LLC
Address: 222 Merchandise Mart Plaza, 23rd Floor, Chicago, IL 60654

PROPERTY OWNER

Name: Michael W. Lane - President, Lane Development, LLC
Address: 34 Riverside Dr., Binghamton, NY 13905

PROPOSED USE: 2300 sq. ft., quick casual restaurant, Potbelly Sandwich Works

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.

Michael Puckett
Print Name of Applicant or Agent
222 Merchandise Mart Plaza, 23rd Floor
Mailing/Street Address
Chicago, IL 60654
City and State Zip Code

Signature
312.334.5833 312.329.1535
Telephone # Fax #
michael.puckett@potbelly.com
Email address
12.22.06
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

SUP # 2006-0122



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.

N/A

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.

14

REVISED

SUP # 2006-0122

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.)

We formally request to operate a 2300 sq.ft. quick casual dining restaurant with carry-out and bicycle delivery service. The restaurant will be located on the corner of Jamieson Ave. and John Carlyle St. in Block G of the Carlyle Center, 1925 Ballenger St. Seating will be offered for 58 patrons indoors and 20 patrons in proposed seasonal outdoor seating area. The hours of operation proposed are 11:00 AM to 9:00 PM, seven days a week. Our peak business hours will likely be between 11:30 AM to 1:30 PM with 8 maximum employees serving 200 +/- patrons mostly walking from nearby offices. The average duration of dine-in patrons is 45 minutes and approximately 40% of business being catering. 85 off-street parking spaces are provided for patrons and employees in garage below building. Additionally there are approximately 45 metered street parking spaces nearby Jamieson Ave. & Carlyle St.

USE CHARACTERISTICS

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

- [x] a new use requiring a special use permit,
[] 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).

200 +/- patrons between 11:30 AM to 1:30 PM, given average duration of visit for

dine-in customers being 45 minutes and approximately 40% of business being carry-out and delivery.

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

8 maximum during peak hours (11:30 AM - 1:30 PM)

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

Day: 7 days a week

Hours: 11:00 AM - 9:00 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 external noise generated by mechanical equipment. Any external

would consist of conversation from max. 24 patrons in the proposed outdoor dining area.

B. How will the noise from patrons be controlled?

There should be no reason that it would need to be controlled, but if

there was a complaint, the Manager would be able to handle it.

REVISED

SUP # 2000-0122

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?

We will abide by all food safety standards and laws as well as provide a smoke-free

and ADA compliant restaurant.

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?

19.5 spaces required based on 58 indoor and 20 outdoor seats.

REVISED

SUP # 2006-0677



APPLICATION

RESTAURANT

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

- How many seats are proposed?
Indoors: 58 Outdoors: 20 Total number proposed: 78 *
- Will the restaurant offer any of the following?
Alcoholic beverages (**SUP only**) Yes X No
Beer and wine — on-premises Yes X No
Beer and wine — off-premises Yes X No
- Please describe the type of food that will be served:
Toasted Sandwiches, soup, salad, homemade baked goods, ice cream, shakes and smoothies

- The restaurant will offer the following service (check items that apply):
 table service bar X carry-out X delivery
- If delivery service is proposed, how many vehicles do you anticipate? 1 or 2 bicycles as needed
Will delivery drivers use their own vehicles? Yes X No
Where will delivery vehicles be parked when not in use?
N/A

- Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
 X Yes No
If yes, please describe:
During the Lunch hours of 11:00 AM - 1:00 PM, A local Musician will perform acoustic renditions of easy listening music.

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

Any potential odors would consist of toasted sandwiches or fresh baked cookies. However, our heat and odor extracting hoods above the conveyor ovens all but eliminate this.

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?

Paper and food waste will be the majority of the garbage generated by this use.

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

Approximately 75 cubic feet of waste each day.

C. How often will trash be collected?

Trash will be taken to dumpster at building loading dock 1-3 times daily as needed.

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

In addition to having two waste receptacles indoors we will have an additional one for our proposed outdoor seating and the employees will pick up trash from surrounding premises daily as part of closing.

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

[] Yes. [x] No.

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

Blank lines for providing details on hazardous materials.

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

- 85 total Standard spaces (total including compact and handicap in building garage)
- _____ 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?

45 metered street parking spaces on Jamieson Ave. & John Carlyle St.

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?

One

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

C. Where are off-street loading facilities located? Building loading dock off of Ballenger St.

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

7:00 AM - 10:00 AM

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

3 days a week

SUP # 2006-0121

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?

Yes, 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?

2300 sq. ft. (existing) + _____ sq. ft. (addition if any) = 2300 sq. ft. (total)

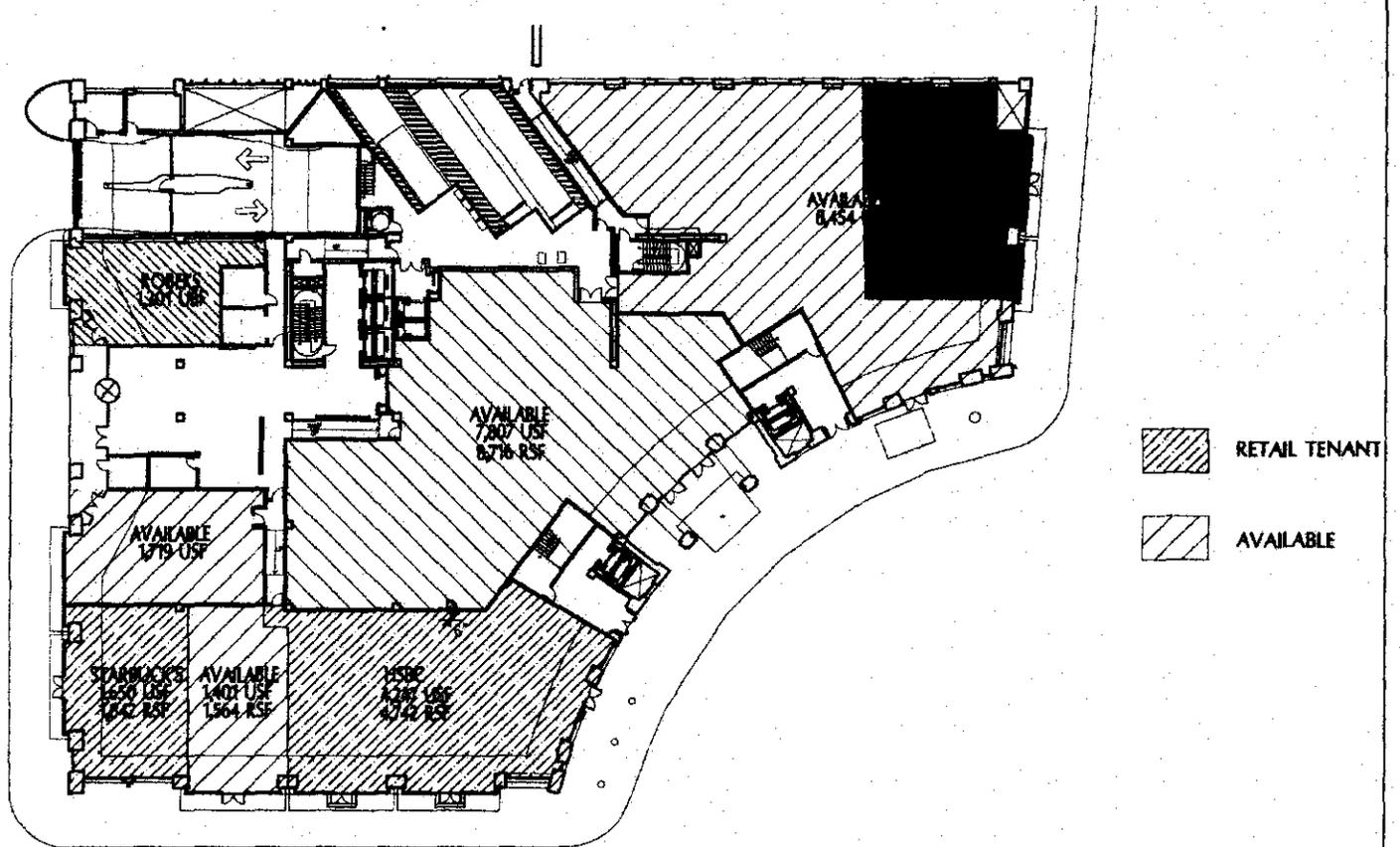
19. The proposed use is located in: (check one)

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: Carlyle Center, Block G, 1925 Ballenger St.

other. Please describe: _____



Sheet Title:
1ST FLOOR RETAIL BLOCKING

Project Name:
CARLYLE BLOCK G
1925 Ballenger St.
 Project Identification Number
703047

28

PageSoutherlandPage
 ARCHITECTURE INTERIORS CONSULTING ENGINEERING

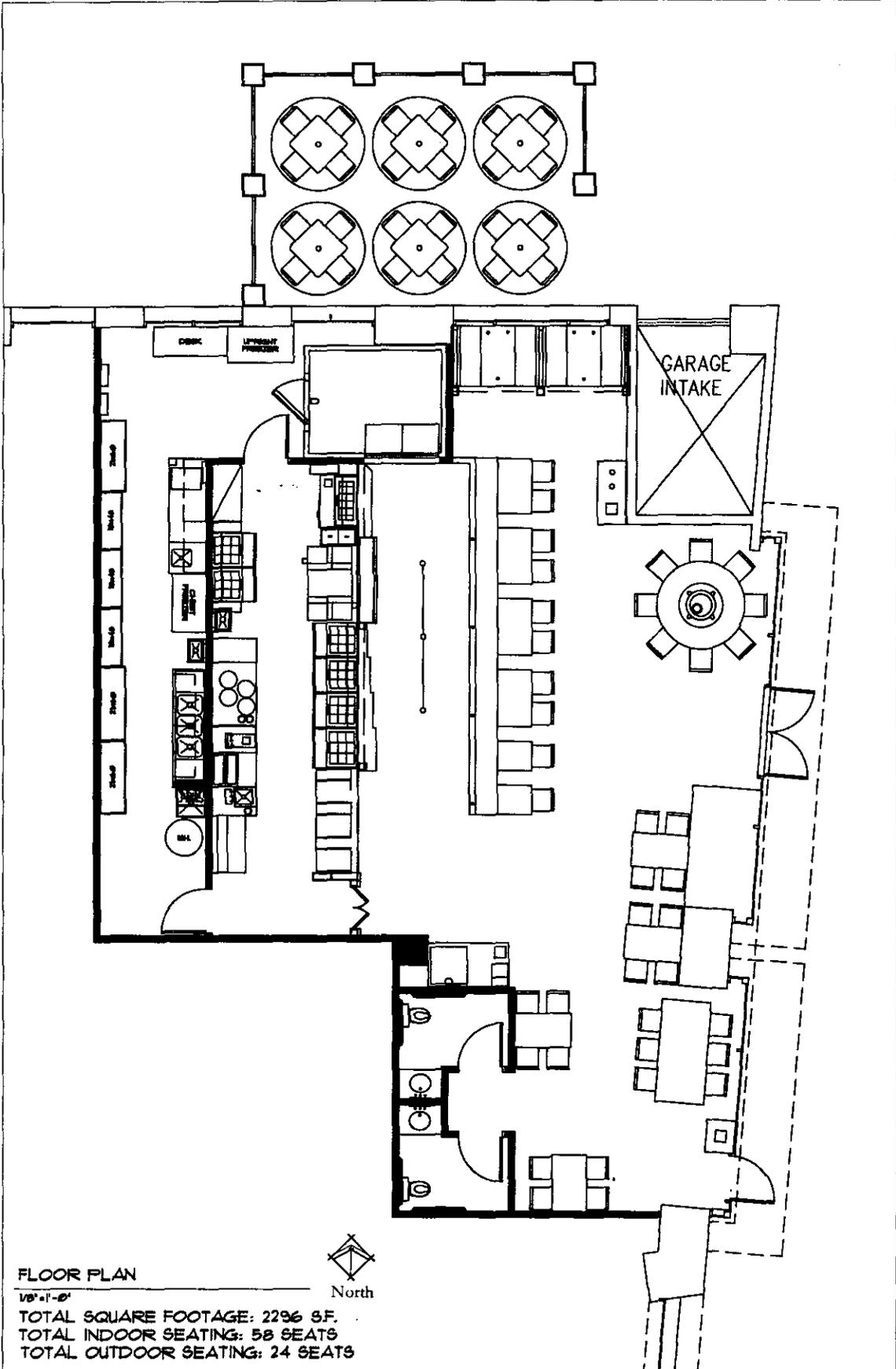
Date: **11 SEPTEMBER 06**

Scale: **N.T.S.**

Sheet Number: **ASK-1**

Refers To Sheet Number:

SUP2006-0132



FLOOR PLAN

1/8" = 1'-0"



North

TOTAL SQUARE FOOTAGE: 2296 SF.
 TOTAL INDOOR SEATING: 58 SEATS
 TOTAL OUTDOOR SEATING: 24 SEATS



ALEXANDRIA PTO
 WASHINGTON, DC

APPROVED BY:	DATE
BLK	
B6	
CP6	
OPEN	

ISSUED:
 SCHEMATIC PLAN
 02/02/06

24

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: MICHAEL PUCKETT
2. ADDRESS: 1140 N. MILWAUKEE AVE. #4 CHICAGO, IL 60622
TELEPHONE NO. 312-560-3299 E-MAIL ADDRESS: Mjpuckett1@comcast.net
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? POTBELLY SANDWICH WORKS

4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: X AGAINST: _____ OTHER: _____

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
REPRESENTATIVE OF POTBELLY

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES X 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.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2006-0122

Parcel Add: 1900 Ballenger St.

PROPERTY LOCATION: Carlyle Center, Block G, 1st Floor, 1925 Ballenger St., Alexandria, VA

TAX MAP REFERENCE: 873.03-02-16 **ZONE:** CDD #1

APPLICANT

Name: Michael Puckett - Project Manager, Potbelly Sandwich Works, LLC
Address: 222 Merchandise Mart Plaza, 23rd Floor, Chicago, IL 60654

PROPERTY OWNER

Name: Michael W. Lane - President, Lane Development, LLC
Address: 34 Riverside Dr., Binghamton, NY 13905

PROPOSED USE: 2300 sq. ft., quick casual restaurant, Potbelly Sandwich Works

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.

Michael Puckett
Print Name of Applicant or Agent
222 Merchandise Mart Plaza, 23rd Floor
Mailing/Street Address
Chicago, IL 60654
City and State Zip Code

Signature
312.334.5833 312.329.1535
Telephone # Fax #
michael.puckett@potbelly.com
Email address
12.22.06
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY
Application Received: _____ Date & Fee Paid: \$ _____
ACTION - PLANNING COMMISSION: Recommended Approval 3-6-07 6-0
ACTION - CITY COUNCIL: 3/17/07 - CC approved PC recommendation 7-0 (see attached)

x 13

3. City Council approved the Planning Commission recommendation.
(separate motion)

4. City Council approved the Planning Commission recommendation .

5. City Council approved the Planning Commission recommendation .

Council Action: _____

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

6. SPECIAL USE PERMIT #2006-0120
1307 KING STREET
BAKERY ORLOV
Public Hearing and Consideration of a request to operate a restaurant; zoned
KR/King Street Retail. Applicant: Boyd Walker

PLANNING COMMISSION ACTION : Recommend Approval 6-0

City Council approved the Planning Commission recommendation, with the following amendments: 1. Change the trash pick up from once a week to twice a week ; 2. If City Council passes the smoke-free restaurant ordinance, the restaurant shall be smoke-free within three months of adoption; 3. If Council considers the guidelines for outdoor seating, the restaurant shall comply; and 4. There shall be no alcohol service, except for beer and wine for on -premises consumption.

Council Action: _____

7. SPECIAL USE PERMIT #2006-0122
1925 BALLENGER STREET (Parcel Address: 1900 Ballenger Street)
POTBELLY SANDWICH WORKS RESTAURANT
Public Hearing and Consideration of a request to operate a restaurant; zoned
CDD #1/Coordinated Development District. Applicant: Potbelly Sandwich Works
by Michael Puckett

PLANNING COMMISSION ACTION : Recommend Approval 6-0

City Council approved the Planning Commission recommendation, with the following amendments: 1. If City Council passes the smoke-free restaurant ordinance, the restaurant shall be smoke-free within three months of adoption; and 2. There shall be no alcohol service, except for beer and wine for on -premises consumption.

Council Action: _____

8. SPECIAL USE PERMIT #2006-0124
520 JOHN CARLYLE STREET, UNIT 110
BRUEGGER'S BAKERY CAFE
Public Hearing and Consideration of a request to operate a restaurant; zoned CDD #1/Coordinated Development District. Applicant: Bruegger's Enterprises, Inc. by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

City Council approved the Planning Commission recommendation, with the following amendment: 1. If City Council passes the smoke-free restaurant ordinance, the restaurant shall be smoke-free within three months of adoption.

Council Action: _____

9. SPECIAL USE PERMIT #2006-0123
3101 NORTH HAMPTON DRIVE - COM 101
RESTAURANT/PARKING REDUCTION
Public Hearing and Consideration of a request to operate a restaurant and for a parking reduction; zoned CRMU-H/Commercial Residential Mixed Use High. Applicant: David Gwathmey

PLANNING COMMISSION ACTION: Recommend Approval 6-0

City Council approved the Planning Commission recommendation, with the following amendments: 1. If City Council passes the smoke-free restaurant ordinance, the restaurant shall be smoke-free within three months of adoption; 2. There shall be up to 51 seats, including outdoor seating, if approved by the Condominium Association; and 3. Condition #4 is changed to read that the parking reduction is commensurate with the number required to accommodate the number of seats in the restaurant.

Council Action: _____

10. SPECIAL USE PERMIT #2007-0002
115 NORTH PATRICK STREET
CONGREGATE HOUSING/SAFE HAVEN
Public Hearing and Consideration of a request to allow a congregate housing facility for the Safe Haven Program, and approval to provide parking within 300 feet of the facility, zoned CD/Commercial Downtown. Applicant: Alexandria Community Services Board by M. Catherine Gibbs, attorney.

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 6-0

City Council approved the Planning Commission recommendation, with the following amendments: 1. Amend condition #9 to add an additional sentence that reads "Residents can ask for reestablishment of the Neighborhood Advisory