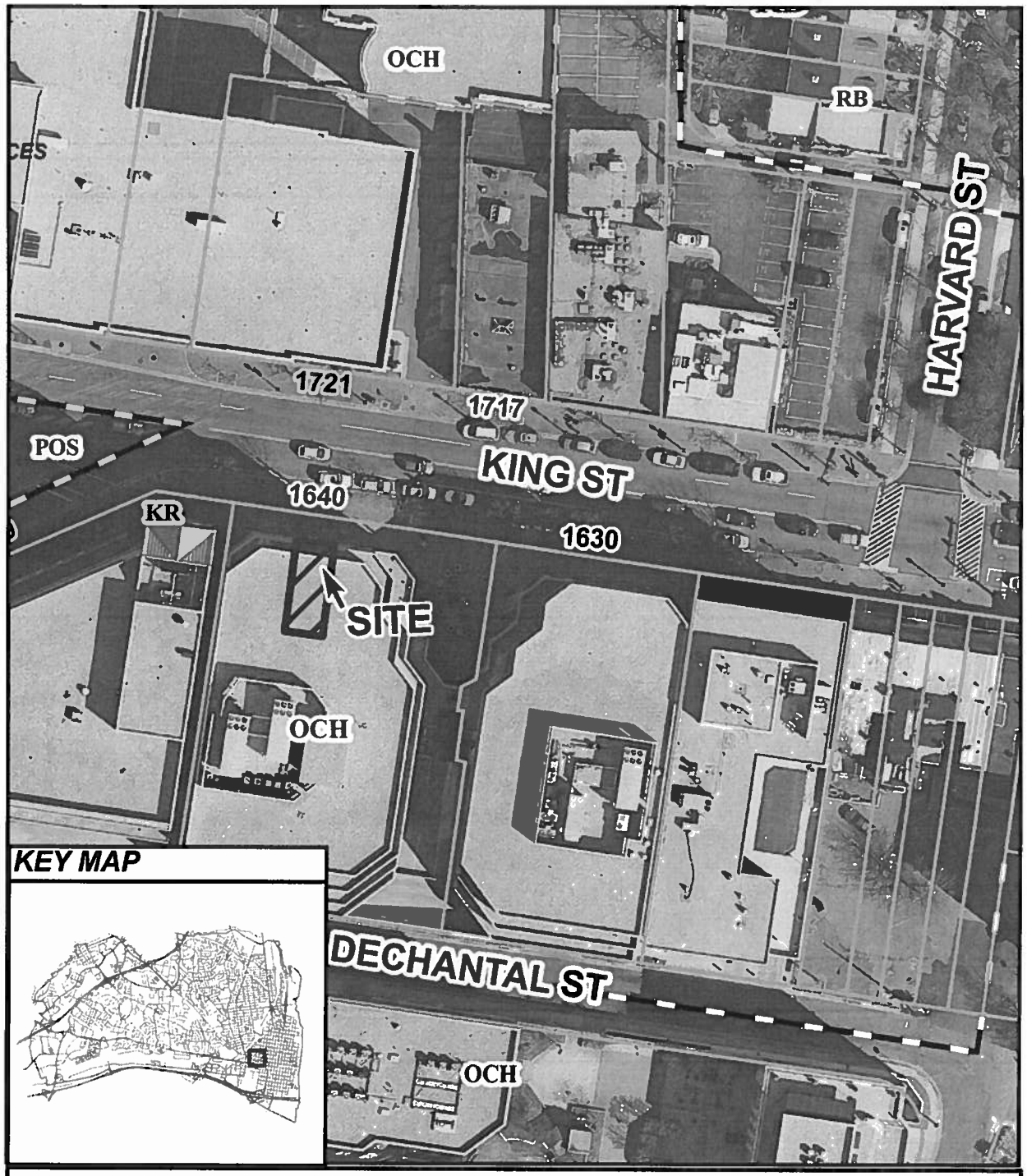
DOCKET ITEM #8
Special Use Permit #2011-0077
1640 King Street – Dunkin Donuts

Application	General Data	
Consideration of a request for Special Use Permit amendments for an existing restaurant.	**Planning Commission Hearing:**	March 8, 2012
	City Council Hearing:	March 17, 2012
Address: 1640 King Street	**Zone:**	KR/King Street Retail
Applicant: QBC, LLC d/b/a Dunkin Donuts	**Small Area Plan:**	King Street Metro/Eisenhower Avenue

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.
Staff Reviewers: Nathan Randall, nathan.randall@alexandriava.gov



SUP #2011-0077 **3/8/2012** N

I. DISCUSSION

The applicant, QBC, LLC d/b/a Dunkin Donuts, requests Special Use Permit amendments for an existing restaurant at 1640 King Street.

SITE DESCRIPTION

The subject site is a ground-level commercial tenant space within a multi-story office building. The lot on which the building is located has 117 feet of frontage on King Street, 175 feet of frontage on Dechantal Street, and a total lot area of approximately 20,700 square feet.

The property is surrounded by commercial uses on all sides. Other businesses in the building include the Perfect Pita restaurant and the State Department Federal Credit Union. Other businesses in the area include two hotels, a restaurant, two financial institutions, and a yoga studio.

BACKGROUND

City Council granted SUP#2004-0102 in February 2005 for the operation of a Quizno's Sub Restaurant at this location. Staff administratively approved a change of ownership in 2007 to JN King, LLC for the operation of a Dunkin Donuts franchise (SUP#2007-0076).

As part of its routine inspection program, staff inspected the restaurant and found two violations. First, it found minor violations of SUP conditions in March 2011 that were promptly corrected. In August 2011, staff issued a ticket for the loading/unloading of restaurant supplies from large tractor-trailer trucks parked on King Street, a major violation of the SUP. Condition #16 requires loading and unloading activities to occur in the loading dock area located behind the building facing Dechantal Street. Subsequent conversations revealed that the ownership of the business had changed without approval and staff required the applicant to file for an SUP for a change of ownership. Because staff has observed ongoing violations of Condition #16 it elected to bring forward the SUP request, which might have been processed administratively, for full public hearings pursuant to Section 11-511(C)(2) of the Zoning Ordinance.

PROPOSAL

The applicant proposes to change ownership of the 18-seat restaurant, which will remain a Dunkin Donuts franchise, from JN King LLC to QBC LLC and amend Condition #16 regarding loading and unloading activities. Although the applicant agrees that it will not use King Street, it proposes to use Daingerfield Road between Diagonal Road and Prince Street during early morning hours.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the KR/King Street Retail Zone. Section 4-503(W) of the Zoning Ordinance allows a restaurant in the KR zone only with a Special Use Permit.

The proposed use is consistent with the uses shown in the King Street Metro / Eisenhower Avenue Small Area Plan chapter of the Master Plan which designates the property for commercial use.

PARKING

The property is located in the King Street Transit District. According to Section 8-400(B)(8) of the Zoning Ordinance, an office building containing 10,000 square feet or less of restaurant uses in the District is not required to provide any off-street parking spaces. Restaurant uses at 1640 King Street do not exceed the 10,000 square-foot threshold, and therefore no off-street parking is required for the subject use. No customer parking is available at the site.

II. STAFF ANALYSIS

Although staff is concerned with the applicant's history of violations, it does not object to its current amendment requests now that a reasonable loading/unloading solution has been reached.

One part of the solution to loading/unloading matters is the operational change agreed to by the applicant in which smaller box trucks will now make weekly supply deliveries to the store from the back of the building, consistent with prior SUP approval. This location is the best option for loading and unloading in the immediate vicinity. Dechantal Street has relatively light traffic, functions largely as a service alley, and is not immediately adjacent to any residential uses. In addition, the use of smaller trucks may have a lower potential noise impact on adjacent uses compared to the large tractor trailer trucks that have recently serviced the site.

Staff also does not object to loading and unloading from either small or large trucks on Daingerfield Road during early morning hours. This arrangement will be used for daily doughnut deliveries with small trucks and only occasionally for the weekly supply deliveries when large trucks are necessary. Sufficient room exists here for large tractor-trailer trucks and the parking area is also not immediately adjacent to any residences. Out of concern that trucks would use valuable parking spaces if loading and unloading during normal business hours, however, staff has included stipulations in an amended Condition #16 requiring all such deliveries to occur before 6 a.m. The applicant has agreed to this limitation.

In conclusion, staff believes that the changes proposed in this request represent a reasonable solution for the continued operation of the restaurant under new ownership. Subject to the conditions contained in Section III of this report, which in addition to an amended Condition #16 include a few minor changes for consistency with today's standard condition language, staff recommends approval of the request.

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) (SUP #2004-0102)

2. Seating shall be provided for no more than 18 patrons. (P&Z) (SUP #2004-0102)

3. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2004-0102)

4. **CONDITION AMENDED BY STAFF:** The applicant shall ~~prepare~~ maintain all elements of the existing ~~a~~ interior design plan, including but not limited to ~~include~~ interior finishes, colors, materials, furniture, and lighting, to the satisfaction of the Director of Planning & Zoning. The Director shall review the existing plan and any future changes for the use of attractive, high-quality materials that may distinguish the restaurant from other locations of the same business as well as its compliance with ~~and specifications, which shall be to the satisfaction of the Director of Planning and Zoning and shall include~~ the following elements:

   a. No lighted signage in the windows is permitted.
   b. Lighting fixtures in the dining area and the serving area shall ~~not contain~~ avoid the use of fluorescent ~~bulbs,~~ tubes~~, or other fluorescent lighting elements~~.
   c. Furniture to be situated near the windows ~~shall consist of wood tables and wood chairs with cloth upholstery~~ shall be constructed out of wood, granite, or other high quality and preferably natural materials, with minimal use of plastic.
   d. Flooring within the dining area shall be ceramic tile or other high-quality material.
   e. Any tiling on the vertical surface of the cashier/service counter shall be a generally solid color and/or design.
   ~~f. Interior doors leading to or from the dining area shall be constructed of paneled wood.~~
   g. Decorative wood interior trim shall include moldings and other detail, such as rosettes.
   h. Menu boards, if any, shall not be backlighted or have any internal lighting.

   (P&Z) ~~(SUP #2004-0102)~~

5. The design and/or illumination of any signage pertaining to the applicant's business on the exterior facade of 1640 King Street shall be to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2004-0102)

6. **CONDITION AMENDED BY STAFF:** The maximum hours of operation for ~~closing hour of~~ the restaurant shall be ~~no later than~~ between 5:30 a.m. and 12 midnight daily. (P&Z) ~~(SUP #2004-0102)~~

7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2004-0102)

8. No alcoholic beverages shall be sold. (P&Z) (SUP #2004-0102)

9. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2004-0102)

10. Trash and garbage shall be placed in sealed containers that 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 or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2004-0102)

11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2004-0102)

12. 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) (SUP #2004-0102)

13. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP #2004-0102)

14. Condition deleted. (SUP#2007-0076)

15. **CONDITION AMENDED BY STAFF:** The applicant ~~is to~~ shall contact the ~~Crime Prevention~~ Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. ~~This is to be completed prior to opening for business.~~ (Police) (P&Z) ~~(SUP #2004-0102)~~

16. **CONDITION AMENDED BY STAFF:** ~~All~~ Loading and unloading shall ~~take place~~ occur either in the loading area on Dechantal Street or in on-street spaces, in compliance with all parking regulations, located on the northeastern side of Daingerfield Road between Diagonal Road and Prince Street. All loading/unloading activities from delivery vehicles parked on Daingerfield Road shall occur before 6 a.m. daily. (P&Z) ~~(SUP #2004-0102)~~

17. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP #2004-0102)

18. **CONDITION AMENDED BY STAFF:** 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) (SUP #2004-0102)

19. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (T&ES) ~~(SUP #2004-0102)~~

20. **CONDITION AMENDED BY STAFF:** The applicant shall encourage employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and Metro routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (T&ES) ~~(SUP #2004-0102)~~

21. 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. (P&Z) (SUP #2004-0102)

22. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit ~~after it has been operational for~~ 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 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; 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) ~~(SUP #2004-0102)~~

23. The space that is the subject of this application, located on the ground floor at the north end of the building known as 1640 King Street, shall remain a restaurant or other retail use. (PC) (SUP #2004-0102)

24. **CONDITION SUPERCEDED BY STATE LAW AND DELETED BY STAFF:** ~~The applicant shall comply with any requirements adopted as part of a smoke-free restaurant ordinance. (P&Z) (SUP#2007-0076)~~

25. **CONDITION ADDED BY STAFF:** No delivery service shall operate from the restaurant. (P&Z)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the Zoning Ordinance, operation shall be commenced 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:

F-1 Parcel is tagged as being within the Floodplain, T&ES has no comments.

R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2007-0076)

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. (T&ES) (SUP #2007-0076)

R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES) (SUP #2007-0076)

R-4 Loading and unloading shall occur either in the loading area on Dechantal Street or in on-street spaces, in compliance with all parking regulations, located on the northeastern side of Daingerfield Road between Diagonal Road and Prince Street. All loading/unloading activities from delivery vehicles parked on Daingerfield Road shall occur before 6 a.m. daily. (T&ES)

R-5 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. (T&ES) (SUP #2007-0076)

R-6 The applicant shall require its employees who drive to work to use off-street parking. (P&Z/**T&ES**) (SUP #2007-0076)

R-7 The applicant shall encourage employees to use mass transit or to carpool when travelling to and from work, by posting information regarding DASH and Metro routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z/**T&ES**) (SUP #2007-0076)

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. (T&ES)

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). (AUP2007-00003)

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Code Enforcement:

F-1 No Comments

Health:

F-1 This facility is currently operating as Dunkin' Donuts under an Alexandria Health permit, issued to Quality Brand Capital, LLC.

C-1 An Alexandria Health Department Permit is required for all regulated facilities.

C-2 Permits are non-transferable.

C-3 This facility must meet current Alexandria City Code requirements for food establishments. A "Change of Ownership Inspection" has been completed by Environmental Health.

C-4 If changes to the facility are to be done, six sets of plans must be submitted through the Permit Center 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 $200.00 fee for review of plans for food facilities.

C-5 Permits must be obtained prior to operation.

C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.

C-7 Certified Food Managers must be on duty during all hours of operation.

Parks and Recreation:

F-1 No Comments

Police Department:

F-1 At this time, no objections to change of ownership.

SUP 2011-0077

APPLICATION
SPECIAL USE PERMIT

ADMINISTRATIVE CHANGE OF OWNERSHIP OR MINOR AMENDMENT

[X] **Change of Ownership** [ ] **Minor Amendment**

[*must use black ink or type*]

PROPERTY LOCATION: 1640 KING ST., ALEXANDRIA VA

TAX MAP REFERENCE: 063.04-09-04 **ZONE:** KR

APPLICANT

Name: QBC, LLC DBA: DUNKIN DONUTS / BASKIN ROBINS

Address: 860 CANAL STREET, STAMFORD CT 06902

PROPERTY OWNER

Name: STATE DEPT. FCU

Address: 1630 KING ST., ALEXANDRIA VA 223

SITE USE: ~~BAKERY RETAIL~~ Restaurant

[X] **THE UNDERSIGNED** hereby applies for a Special Use Permit for **Change in Ownership**, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

[X] **THE UNDERSIGNED**, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

[ ] **THE UNDERSIGNED** hereby applies for a Special Use Permit for **Minor Amendment**, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

[X] **THE UNDERSIGNED,** having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of his/her knowledge and belief.

THUY LE, AGENT
Print Name of Applicant or Agent

Signature

19599 ASPENDALE SQUARE
Mailing/Street Address

(703) 282.4957 (703) 991-4825
Telephone # Fax #

ASHBURN, VA 20147
City and State Zip Code

mthuyle@yahoo.com
Email address

11/08/11
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____ Fee Paid: $_____

Legal advertisement: _____

ACTION - PLANNING COMMISSION _____ ACTION - CITY COUNCIL: _____

Application Admin Change Ownership.pdf
8/1/06 Pnz\Applications, Forms, Checklists\Planning Commission

Special Use Permit # 2011-0077

The following information must be furnished to the Department of Planning and Zoning to determine if the current use conducted on the premises complies with the special use permit provisions and all other applicable codes and ordinances.

1. **Please describe prior special use permit approval for the subject use.**

Most recent Special Use Permit # 2007-0076

Date approved: 08 / 28 / 2007
month day year

Name of applicant on most recent special use permit JN KING

Use ~~BAKERY RETAIL~~ Restaurant

2. **Describe below the nature of the *existing* operation *in detail*** so that the Department of Planning and Zoning can understand the nature of the change in operation; include information regarding type of operation, number of patrons served, number of employees, parking availability, etc. (Attach additional sheets if necessary.)

THERE IS NO CHANGE FROM CURRENT SUP APPROVAL.
(doc. attached)

SUP #

As the property owner, I hereby grant the applicant use of 1640 King Street, Alexandria VA (property address), for the purposes of operating a restaurant (use) business as described in this application.

I also grant permission to the City of Alexandria to visit, inspect, photograph and post placard notice on my property.

Name: Karen O'Connor-Joyner Phone 703-706-5180

Address: State Dept FCU 1630 King St Email: koconnorw@sdfcu.org

Signature: Karen O'J Date: 2-8-12

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 or owner, unless the entity is a corporation or partnership, in which case identify each owner and the percent of ownership.

_____

_____

_____

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.

SUP #_____

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. DC FRANCHISE 2011 LLC	591 West Putnam Avenue Greenwich, CT 06830	37.850 %
2. Washington 2011 Franchise Investment LLC	36 Binney Lane Old Greenwich, CT 06870	46.262 %
3. MKC WASHINGTON INVESTMENT, LLC	411 Moreland Road Greenwich, CT 06831	11.215 %
QBC LLC	860 Canal Street Stamford, CT 06902	4.673 %

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____(address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Quality Brand Capital LLC	860 Canal Street Stamford, CT 06902	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose **any** business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

2/20/12 — Date

Chris Mellgren — Printed Name

Signature

SUP #_____

OWNERSHIP AND DISCLOSURE STATEMENT
Use additional sheets if necessary

1. Applicant. 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1640 King St. (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. State Dept. FCU	1640 King St. Alexandria, VA 22314	100%
2. (No single person owns 10%)		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose **any** business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2. NA	NA	NA
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

2-13-12 — Date

Karen O'Connor-Joyner — Printed Name

Karen O'Connor-Joyner — Signature

Director of Funds Management
State Dept FCU
703-706-5180

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3. Describe any proposed *changes* to the business from what was represented to the Planning Commission and City Council during the special use permit approval process, including any proposed changes in 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, any noise emitted by the use, etc. (Attach additional sheets if necessary)

THERE WILL BE NO CHANGE.

Special Use Permit #_____

4. **Is the use currently open for business?** X Yes ____ No

If the use is closed, provide the date closed. _____ / _____ / _____
month day year

5. **Describe any proposed changes to the conditions of the special use permit:**

ONLY OWNERSHIP OF BUSINESS CHANGED. ALL OTHER REMAINS UNCHANGED (SUCH AS TYPE/USE OF BUSINESS, STAFFS etc.).

6. **Are the hours of operation proposed to change?** ____ Yes X No
If yes, list the current hours and proposed hours:

Current Hours:	Proposed Hours:

7. **Will the number of employees remain the same?** X Yes ____ No
If no, list the current number of employees and the proposed number.

Current Number of Employees:	Proposed Number of Employees:

8. **Will there be any renovations or new equipment for the business?** ____ Yes X No
If yes, describe the type of renovations and/or list any new equipment proposed.

9. **Are you proposing changes in the sales or service of alcoholic beverages?** ____ Yes X No
If yes, describe proposed changes:

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10. Is off-street parking provided for your employees? ____ Yes X No
If yes, how many spaces, and where are they located?
THERE IS NO ASSIGNED PARKING, BUT EMPLOYEES REQUIRED TO PARK OFF STREET (IF DRIVES TO WORK).

11. Is off-street parking provided for your customers? ____ Yes X No
If yes, how many spaces, and where are they located?
OFF STREET PARKING BASE ON AVAILABILITY (AS FIRST COME FIRST SERVE - METERED)

12. Is there a proposed increase in the number of seats or patrons served? ____ Yes X No
If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

Current:	Proposed:

13. Are physical changes to the structure or interior space requested? ____ Yes X No
If yes, attach drawings showing existing and proposed layouts. In both cases, include the floor area devoted to uses, i.e. storage area, customer service area, and/or office spaces.

14. Is there a proposed increase in the building area devoted to the business? ____ Yes X No
If yes, describe the existing amount of building area and the proposed amount of building area.

Current:	Proposed:

15. The applicant is the (check one) ____ Property owner X Lessee

____ other, please describe: ____

16. The applicant is the (check one) X Current business owner ____ Prospective business owner

____ other, please describe: ____

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17. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address.

For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

Please provide ownership information here:

QUALITY BRAND CAPITAL, LLC.

860 CANAL STREET

STAMFORD, CT 06902

DBA: DUNKIN DONUTS / BASKIN ROBINS

DATE: August 28, 2007

TO: Richard Josephson, Deputy Director
Department of Planning and Zoning

FROM: Kendra Jacobs, Planning Technician
Department of Planning and Zoning

SUBJECT: Special Use Permit #2007-0076
Administrative Review for Change of Ownership
Site Use: 1640 King Street
Applicant: JN King
Location: 1640 King Street
Zone : OCH

On February 12, 2005, City Council granted Special Use Permit #2004-0102 to Mazier Choubineh for operation of a Quizno's Sub Restaurant located at 1640 King Street. The current request, Special Use Permit #2007-0076, is to change the ownership of the existing restaurant to JN King, LLC. The applicant is proposing minor interior renovations that will stay in keeping with the character of King Street by using high quality detailing and materials. Staff has retained conditions 4 and 5 which relate to the interior and exterior design as part of this administrative approval.

The restaurant has been closed since early 2007. Staff has not received any complaints from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

Staff recommends that the special use permit for change in ownership be granted.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date:

Action:

Richard Josephson, Deputy Director

Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT # 2004-0102

The new owner(s) is/are responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

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) (SUP #2004-0102)

2. Seating shall be provided for no more than 18 patrons. (P&Z) (SUP #2004-0102)

3. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2004-0102)

4. The applicant shall prepare a design plan to include interior finishes, colors, materials, furniture, lighting and specifications, which shall be to the satisfaction of the Director of Planning and Zoning and shall include the following elements: (P&Z) (SUP #2004-0102)
   a. No lighted signage in the windows is permitted.

   b. Lighting fixtures in the dining area and the serving area shall not contain fluorescent bulbs, tubes, or other fluorescent lighting elements.

   c. Furniture to be situated near the windows shall consist of wood tables and wood chairs with cloth upholstery.

   d. Flooring within the dining area shall be ceramic tile.

   e. Any tiling on the vertical surface of the cashier/service counter shall be a generally solid color and/or design.

   f. Interior doors leading to or from the dining area shall be constructed of paneled wood.

   g. Decorative wood interior trim shall include moldings and other detail, such as rosettes.

   h. Menu boards, if any, shall not be backlighted or have any internal lighting.

5. The design and/or illumination of any signage pertaining to the applicant's business on the exterior facade of 1640 King Street shall be to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2004-0102)

6. The closing hour of the restaurant shall be no later than 12:00 midnight daily. (P&Z) (SUP #2004-0102)

7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2004-0102)

8. No alcoholic beverages shall be sold. (P&Z) (SUP #2004-0102)

9. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2004-0102)

10. Trash and garbage shall be placed in sealed containers that 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 or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2004-0102)

11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2004-0102)

12. 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) (SUP #2004-0102)

13. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP #2004-0102)

14. **CONDITION DELETED. PAID PREVIOUSLY.** ~~The applicant shall provide the City $1,678.00 for two Model SD-42 Bethesda Series litter receptacles for installation on the adjacent public right-of-way. Contact T&ES Solid Waste Division (703/751-5130) for information. (T&ES) (SUP #2004-0102)~~

15. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. This is to be completed prior to opening for business. (Police) (SUP #2004-0102)

16. All loading and unloading shall take place in the loading area on Dechantal Street. (P&Z) (SUP #2004-0102)

17. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP #2004-0102)

18. 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) (SUP #2004-0102)

19. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (SUP #2004-0102)

20. The applicant shall encourage employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and Metro routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP #2004-0102)

21. 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. (P&Z) (SUP #2004-0102)

22. 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 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) (SUP #2004-0102)

23. The space that is the subject of this application, located on the ground floor at the north end of the building known as 1640 King Street, shall remain a restaurant or other retail use. (PC) (SUP #2004-0102)

24. **CONDITION ADDED:** The applicant shall comply with any requirements adopted as part of a smoke-free restaurant ordinance.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 No comments received.

Code Enforcement:

C-1 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-2 Alterations to the existing structure must comply with the current edition of theUniform Statewide Building Code (USBC).

C-3 Additions and 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-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-5 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-6 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-7 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.

C-2 Permits are not transferable.

C-3 This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 838-4400 ext. 250 to arrange for a "change of ownership" inspection.

C-4 If changes to the facility are to be done, five sets of plans 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-5 Permits must be obtained prior to operation.

C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.

C-7 Certified Food Managers must be on duty during all hours of operation.

C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.

F-1 This facility is currently vacant

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 robbery readiness training for all employees.

F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2007-0076. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1640 King Street.

_____ _____
Applicant - Signature Date

_____ _____
Applicant – Printed Date

Nathan Randall

Subject: FW: Checking In

From: Chris Mellgren [mailto:chris.mellgren@qbcdc.com]
Sent: Thursday, February 16, 2012 8:02 PM
To: Nathan Randall
Subject: Re: Checking In

No we would need to deliver on diagonal as we arrive around 3am and we won't have access to that entrance at that time.

Sent from my iPhone

From: Chris Mellgren [mailto:chris.mellgren@qbcdc.com]
Sent: Thursday, February 16, 2012 3:27 PM
To: Nathan Randall
Subject: Re: Checking In

Nathan
Nice chatting with you today. As we discussed I have been able to work out a solution with our once a week dry goods delivery service that is, I believe, slightly better than what we had discussed Friday. They have a smaller truck that can use the dechantal loading dock the majority of the time which would allow us to, normally, adhere to the condition as written in the original SUP. We would like to request, however, that the condition be modified to also allow us to deliver on diagonal before 6am. This is simply to give them the option to use a larger vehicle in the event there is a mechanical or logistical issue that would make that truck unavailable.

Hopefully that will be acceptable to you.

Separately I was able to pick up the disclosure form from our landlord today and I hope to drop off the completed sections of the application on Monday.

Thank you
Chris

Sent from my iPhone

On Feb 16, 2012, at 11:05 AM, "Nathan Randall" <Nathan.Randall@alexandriava.gov> wrote:

> Chris-
>
> Just checking in with you to see if you've been able to determine whether the preliminary loading/unloading plan we discussed on Friday will work for you. Please let me know as soon as possible.
>
> Nathan